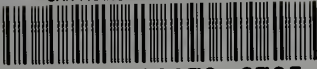


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27 Evelyn J. Mizak
28 Shorthand Reporter

APPEARANCESMEMBERS PRESENT

SENATOR WILLIAM LOCKYER, Chair

SENATOR ROBERT BEVERLY, Vice Chair

SENATOR RUBEN AYALA

SENATOR JOHN LEWIS

SENATOR NICHOLAS PETRIS

STAFF PRESENT

GREG SCHMIDT, Executive Officer

PAT WEBB, Committee Secretary

RICK ROLLENS, Consultant on Bill Referrals

NANCY MICHEL, Consultant on Governor's Appointments

ALSO PRESENT

MAMIE S. LOCKETTE, Warden
Northern California Women's Facility, Stockton
Department of Corrections

BERTRAM RICE, JR., Warden
California State Prison, Ironwood
Department of Corrections

KEVIN O. STARR, Ph.D.
State Librarian

SENATOR QUENTIN KOPP

INDEXPage

Proceedings	1
<u>Governor's Appointees:</u>	
MAMIE S. LOCKETTE, Warden Northern California Women's Facility, Stockton California Department of Corrections	1
Background and Experience	1
Questions by CHAIRMAN LOCKYER re:	
Hardest Part of Job	3
Difficulties in Routine Staff Relationships . . .	3
Impact of New Conjugal Visit Policy	4
Possibility of Making Facility a Male Correctional Institution	5
Questions by SENATOR AYALA re:	
Prison's Inmate Labor Program	5
Inmate Counseling	6
Questions by SENATOR PETRIS re:	
Function of Business Manager	7
Laverne University	9
Statements by CHAIRMAN LOCKYER re: Letters of Support	10
Motion to Confirm	10
Committee Action	10
BERTRAM RICE, JR., Warden California State Prison, Ironwood	11
Background and Experience	11
Questions by CHAIRMAN LOCKYER re:	
Tenure in Current Assignment	12

INDEX (Continued)

Difference in Prison Culture at Ironwood Facility	12
Treatment of People Program	13
Questions by SENATOR AYALA re:	
Location of Prison	14
Questions by CHAIRMAN LOCKYER re:	
Impact of New Conjugal Visit Policy	15
Three Strikes Incarcerations	15
Membership in Chicano Correctional Workers Association	15
Motion to Confirm	16
Committee Action	16
KEVIN O. STARR, Ph.D. State Librarian	17
Background and Experience	17
Statement of Support by SENATOR QUENTIN KOPP	19
Questions by SENATOR PETRIS re:	
Decision by University of California at Berkeley to Drop Undergraduate Courses in Library Science	20
Impact on Number of Librarians	21
Two-tiered System of Librarians	23
California Has Smallest Number of High School Librarians in Nation	24
Need to Help High School Libraries	25
Library Contributions Made through Income Tax Check-off	28
Bookmobiles	28
Top California Writers Currently	30

INDEX (Continued)

Questions by CHAIRMAN LOCKYER re:

Current Personal Book Projects	32
Accomplishments during Career in San Francisco	33
Goals for Future	34
Library's Literacy Program	36

Statements by SENATOR PETRIS re:

Sign in Berkeley Public Library	37
Statement of Support by SENATOR AYALA	38
Motion to Confirm	39
Committee Action	40
Termination of Proceedings	40
Certificate of Reporter	41

P-R-O-C-E-E-D-I-N-G-S

--oo0oo--

CHAIRMAN LOCKYER: Our first appointee to meet, Mamie Lockette, please, if you will.

Sometimes people like to start with some prepared opening comments. It's up to you. If you do, please.

MS. LOCKETTE: Thank you. I do have something.

CHAIRMAN LOCKYER: All right.

MS. LOCKETTE: Thank you, Mr. Chairman.

Mr. Chairman and Senate Committee Members, thank you for the opportunity to present my qualifications in consideration for approval as Warden at the Northern California Women's Facility in Stockton.

My education consists of: a Bachelor's of Science Degree in Nutrition from Tuskegee University; a dietetic internship at the University of California Medical Center in Los Angeles; and a Master's Degree in Public Administration from Laverne University.

My professional experiences include an excess of 30 years in the supervisory and management ranks; 22 of those years with state government; 15 have been in the Youth and Adult Correctional Agency, and 7 in the Department of Mental Health and Developmental Services. The remaining 8 years were divided between the Los Angeles County Health Department and federally funded county health programs.

I have held various and a variety of positions that have proven my professional abilities as a capable administrator. For example, my state career began at Camarillo

1 State Hospital as Director of Dietetics. And subsequently, I
2 promoted to Hospital Administrator. After approximately two and
3 a half years in this position, I moved to Sacramento and became
4 the Departmental Food Administrator for the California Youth
5 Authority.

6 After five years, I downgraded and lateralled to the
7 Department of Corrections as Business Manager II at the
8 California Institution for Men. From that position, I promoted
9 through the rank as the Associate Warden, Business Services, at
10 the Sierra -- I'm sorry, at the California Rehabilitation
11 Center; Associate Warden, Camp Operations at Sierra Conservation
12 Center; Chief Deputy Warden at Sierra Conservation Center; and
13 Assistant Deputy Director, Southern Region in CDC Headquarters,
14 currently known as Regional Administrator South.

15 Since October 1st of 1992, I have served as Warden of
16 the Northern California Women's Facility.

17 I feel that my last assignment in Headquarters for
18 four and a half years was the most beneficial in preparing me
19 for a wardenship. During this time, I worked directly with the
20 ten southern regional wardens as their direct contact in
21 Headquarters.

22 My proactive, energetic, and goal-oriented assets
23 have added in my ability to appreciate the differences in my
24 staff by using their strengths to enhance the working
25 environment and to develop others as much as possible.

26 Finally, my parental teaching stressed strong ethics
27 and moral values, the importance of good work ethics, and from a
28 Biblical focus, respect for all individuals.

1 Thank you.

2 CHAIRMAN LOCKYER: Thank you very much.

3 Maybe you could tell me what is the hardest part of
4 this job?

5 MS. LOCKETTE: Excluding what I'm going through now,
6 Senator --

7 [Laughter.]

8 MS. LOCKETTE: -- I think the most difficult is
9 working with the different personalities and respecting the
10 differences that you have in your staff.

11 We have rules and regulations for the inmates. We
12 have the Director's rules; we have Title 15 and the other
13 Government Codes.

14 But I feel that in the work environment that we're in
15 now, we spend a lot of time with the staff, and it's important
16 to spend the time with your staff, because that's where the
17 rubber really meets the road and where the work is done.

18 And for me, the most difficult is changing
19 personalities everytime we meet with an employee during the day,
20 because everyone is different. And to me, that's the most
21 difficult part.

22 CHAIRMAN LOCKYER: How does that express itself in
23 your sort of daily work problems or needs? Can you give me a
24 couple of examples of the sort of difficulties that are,
25 perhaps, routine in terms of staff relationships and problems
26 that arise?

27 MS. LOCKETTE: I don't want to phrase it as
28 difficult in that it is not manageable.

1 One of the things that we experience in an
2 environment within a prison system sometimes could be over-
3 familiarity. The staff sometime lose perspective as to what
4 their role is in relationship to the inmates. One part of you
5 says that you should be sympathetic and understand that that
6 person made a mistake. The other part says, we have rules and
7 regulations that we are to enforce. And you're taking that
8 person's life. You've taken away their monthly salary. You
9 could possibly impact their children if they have a family.

10 So, whenever you start impacting someone's personal
11 life, I think it's difficult, but it's manageable. And in my
12 opinion, even if you don't do but one a year, I think that's one
13 too many. But unfortunately, we do more than one a year.

14 CHAIRMAN LOCKYER: There's a new policy about to be
15 adopted on conjugal visits. Does that affect any of your
16 inmates?

17 MS. LOCKETTE: It will affect some of the inmates,
18 Senator, because we do have inmates at NCWF that fit under the
19 Penal Code sections that are going to be impacted.

20 CHAIRMAN LOCKYER: How many do you think you've got,
21 or an estimate of the proportion?

22 MS. LOCKETTE: Between 10 and 15.

23 CHAIRMAN LOCKYER: That are there for a sex crime or
24 whatever?

25 MS. LOCKETTE: Yes.

26 CHAIRMAN LOCKYER: Any sense of how that's likely to
27 work out?

28 MS. LOCKETTE: I've met with the inmates that were

1 involved, and of course, they listen to the t.v. and they read
2 the newspaper.

3 So far, the women have not been overtly distressed.
4 I'm sure they are, but they expect something to come down as a
5 result of the news articles.

6 I've had no indication that they're going to be
7 disruptive, but we have met with them and made them aware of
8 what's to come forward.

9 CHAIRMAN LOCKYER: I guess there is some potential
10 for shifting the institution from female to male. I know that
11 Senator Johnston seems to be strongly opposed to doing that, and
12 I don't mean to involve you in what may be a policy debate
13 that's inappropriate. But to the extent that you have any
14 thoughts about that, or where these inmates would be transferred
15 to, do they know where they'd wind up if we shift?

16 MS. LOCKETTE: The projection and proposal from the
17 Department now is, the women at NCWF would transfer to Valley
18 State Prison, which is in Madera.

19 My position is, I worked for the Department of
20 Corrections, and I serve at the pleasure of. And I would not be
21 opposed to any change in gender at the institution. We have
22 well-qualified, competent staff, and we would be able to manage
23 either gender at that institution.

24 CHAIRMAN LOCKYER: Other questions? Senator Ayala.

25 SENATOR AYALA: I was just going to ask you, how
26 successful is your inmate labor program at the prison?

27 MS. LOCKETTE: As of today, Senator, we have 92
28 percent of our inmates working. And the 8 percent that is not

1 working are either new arrivals at the institution, those that
2 may be out to court, or some that may be on a medical lay-in.
3 But we do have a very active working program at the institution.

4 CHAIRMAN LOCKYER: What percent?

5 MS. LOCKETTE: Ninety-two percent.

6 CHAIRMAN LOCKYER: Are working?

7 MS. LOCKETTE: Yes.

8 CHAIRMAN LOCKYER: What kind of work do they do?

9 MS. LOCKETTE: We have two prison industry authority
10 programs. One is the laundry and the other is key data.

11 We also call the classroom assignments work
12 assignments if they work in culinary, if they're on an outside
13 yard crew.

14 CHAIRMAN LOCKYER: Senator Ayala.

15 SENATOR AYALA: What is your major industry there at
16 the prison?

17 MS. LOCKETTE: The major industry are the two prison
18 industry authorities. We do laundry for about five or six
19 outside organizations, and we also have key data, which is a
20 major.

21 The laundry employs in excess of 85 inmates, and we
22 have two shifts, a day and an evening shift.

23 Key data, we have 85 inmates employed in key data,
24 and that's the largest outside of the six classrooms that we
25 have.

26 SENATOR AYALA: Are you interested in adding to those
27 industries at the prison? If so, which industry would you like
28 to incorporate into your program there?

1 MS. LOCKETTE: Right now, with the cap of 800, we
2 could not afford to add another industry with the existing
3 population.

4 SENATOR AYALA: You can't go by the cap, I know that.
5 Ask the Director over here.

6 MS. LOCKETTE: I'm sorry, Senator. Would you repeat
7 your question?

8 SENATOR AYALA: I just wondered what programs you'd
9 like to add industry-wise to the prison crew there?

10 Are these inmates going to school as well?

11 MS. LOCKETTE: Yes, the school programs.

12 I would not necessarily be interested in any
13 industries, but my concern would for substance abuse counseling.
14 We are the Northern Reception Center for parole violators, and a
15 lot of those violators come in because they have violated for
16 substance abuse. We do not have a viable program now to give
17 them any counseling and training.

18 We do have the AA program, Alcoholics Anonymous, but
19 some of the women need more in-depth counseling on substance
20 abuse and how to integrate themselves into their home life with
21 their children.

22 SENATOR AYALA: Do you have any counseling at all for
23 the inmates at this time?

24 MS. LOCKETTE: No, not at this time.

25 SENATOR AYALA: Thank you.

26 CHAIRMAN LOCKYER: Are there other questions?
27 Senator Petris.

28 SENATOR PETRIS: I'm curious about the institution.

1 What does a Business Manager of a prison do? Is that dealing
2 with outside suppliers and stuff like that, or what? I notice
3 you were a Business Manager II at Chino.

4 MS. LOCKETTE: That's part of the assignment,
5 Senator. The Business Manager is responsible for all the
6 personnel, business services function within the institution,
7 which does include procuring the necessary supplies, the
8 necessary employees, and to be sure that we spend within the
9 allotted amount of the budget.

10 You also have maintenance, plant operations under
11 your supervisions, canteen, the warehousing. Most all of the
12 ancillary services in the institution come under the Business
13 Manager.

14 An institution is broken down primarily by custody
15 and ancillary. And of course, medical. So, the Business
16 Manager is responsible for all of the ancillary functions in the
17 institution.

18 SENATOR PETRIS: Does that include buying the food?

19 MS. LOCKETTE: Yes, it does.

20 SENATOR PETRIS: Did the food improve now at your
21 prisons since you were a nutrition major, and so forth? What
22 kind of feedback are you getting?

23 MS. LOCKETTE: I can't take credit for that, Senator.
24 We are in a shared agreement with the California Youth
25 Authority. Our food comes prepared to us from NCYC, next door.

26 SENATOR PETRIS: You don't get to sample it to make
27 sure it's okay?

28 MS. LOCKETTE: I do sample the food, yes, I do,

1 occasionally.

2 SENATOR PETRIS: I'm curious also about Laverne
3 University. Where is that located?

4 MS. LOCKETTE: It's in Laverne, the City of Laverne.

5 SENATOR PETRIS: I know it's in Laverne, but I don't
6 know where Laverne is. Is that down south?

7 MS. LOCKETTE: Yes, it is.

8 SENATOR PETRIS: Near where?

9 MS. LOCKETTE: Ontario.

10 SENATOR PETRIS: If you'll excuse me, as a
11 Northerner, I'm not familiar with the territory.

12 MS. LOCKETTE: I'm sorry. It's near Laverne -- near
13 Ontario, not very far from Chino, in that general area.

14 SENATOR PETRIS: Is that a private school or public?

15 MS. LOCKETTE: It's a public school.

16 SENATOR PETRIS: Four years?

17 MS. LOCKETTE: Yes.

18 SENATOR PETRIS: Is that where you got your Master's
19 Degree?

20 MS. LOCKETTE: Yes, it is.

21 SENATOR PETRIS: Thank you.

22 SENATOR AYALA: May I respond to the Senator.

23 That's right next to Pomona and Claremont, Laverne,
24 San Dimas.

25 SENATOR PETRIS: Sounds like a great place to me.

26 SENATOR AYALA: They've got a law school there, by
27 the way. It's an excellent university.

28 MS. LOCKETTE: Thank you.

1 CHAIRMAN LOCKYER: Now, we have a number of letters
2 of support, and there may well be, if I push, people that will
3 want to come up and say some nice things about you. Though that
4 might be fun, it's not the best way to use our time, because I
5 think you're quickly going to be confirmed, if you don't have an
6 objection to that result.

7 MS. LOCKETTE: None whatsoever, Senator.

8 CHAIRMAN LOCKYER: Just simply to say that you have a
9 wonderful presence, and I wish you well in your work.

10 MS. LOCKETTE: Thank you.

11 CHAIRMAN LOCKYER: What's the pleasure of the
12 Committee? Senator Beverly.

13 SENATOR BEVERLY: Move we recommend confirmation.

14 CHAIRMAN LOCKYER: We have a motion. Call the roll.

15 SECRETARY WEBB: Senator Ayala.

16 SENATOR AYALA: Aye.

17 SECRETARY WEBB: Ayala Aye. Senator Lewis.

18 SENATOR LEWIS: Aye.

19 SECRETARY WEBB: Lewis Aye. Senator Petris.

20 SENATOR PETRIS: Aye.

21 SECRETARY WEBB: Petris Aye. Senator Beverly.

22 SENATOR BEVERLY: Aye.

23 SECRETARY WEBB: Beverly Aye. Senator Lockyer.

24 CHAIRMAN LOCKYER: Aye.

25 SECRETARY WEBB: Lockyer Aye. Five to zero.

26 CHAIRMAN LOCKYER: Thank you.

27 MS. LOCKETTE: Thank you.

28 CHAIRMAN LOCKYER: Good luck.

1 MS. LOCKETTE: Thank you.

2 CHAIRMAN LOCKYER: Mr. Rice is next. Who knows where
3 Ironwood is?

4 Good afternoon, sir. Did you want to start with any
5 comments?

6 MR. RICE: Good afternoon, sir.

7 I'd like to tell the Committee how proud I am to be
8 here today. This has been the dream of my career, to one day
9 become a Warden of a state prison. And I feel very proud to
10 represent my community and the City of Blythe, where Ironwood is
11 located.

12 I've been with the Department of Corrections 26½
13 years, starting as a correctional officer at DVI, Tracy. I
14 worked in almost every position in the Department: officer,
15 sergeant, lieutenant. I've been a CC I, CC II, CC III. I've
16 been a special agent, associate warden, a chief deputy warden,
17 interim warden, and a new prison manager, and now Warden at
18 Ironwood State Prison.

19 I worked at eight different prisons up and down the
20 State of California, and I have, during my career, obtained a
21 B.A. Degree from California State University Sacramento.

22 I've worked very special assignments. I've been an
23 employee relations officer. And since my appointment at the
24 Ironwood facility, I have been extremely pleased to bring
25 together a team from all over the State of California, where we
26 have been pioneers in the treatment of people as a pilot project
27 for the Department of Corrections, where we take treating people
28 with dignity and respect as the number one issue at our

1 facility.

2 Ironwood has been fairly successful. We have had
3 minimum incidents, and we have had a pretty good operation.
4 We've been open with inmates for a year, and I think that we
5 have come along ways in developing our relationship with each
6 other, and we're doing a fairly good job.

7 I'm here not only for myself, but my confirmation
8 hearing is a reflection of my staff and team.

9 CHAIRMAN LOCKYER: How long have you been in this
10 assignment now?

11 MR. RICE: I was the new Prison Manager in September
12 of '93, and I was appointed in April of '94 as the Warden, so
13 about a year and a half.

14 CHAIRMAN LOCKYER: Is the institutional culture
15 different at that prison than other ones you've been at? Does
16 it feel different in any way, or are they kind of the same?

17 MR. RICE: Well, our staff has ownership of the
18 facility. When you walk through the institution, you ask the
19 staff how they feel about the facility, and they'll tell you
20 that there's something special. And they were asked on some of
21 the tours by different people, and they asked why do you think
22 this place is special. They said because of the treatment of
23 people program.

24 CHAIRMAN LOCKYER: And that's a program that began
25 when?

26 MR. RICE: Well, Mr. Gomez, the Director of
27 Corrections, identified Ironwood State Prison when we activated
28 as one of the pilots for the treatment of people, and it was

1 already identified before my appointment. And as I arrived on
2 line, me and my staff, from the very first day with consultants
3 that was hired by the Department working with us, we were able
4 to put that together.

5 Now we have over 900 staff, and we're bringing them
6 aboard each in the treatment of people program.

7 CHAIRMAN LOCKYER: What does that mean? Do you have
8 some training sessions? What does it look like?

9 MR. RICE: Well, the core folks that first started,
10 we had a pretty in-depth -- we don't call it training program,
11 but a way of life program where we sit down, and we talk across
12 the table with each other about our goals, how we're going to
13 accomplish them, and becoming a team and a family, and
14 identifying staff for their achievements, rewarding them through
15 certificates, acknowledgments, and as we grew bigger, we brought
16 in our supervisors and our managers, and we try to bring it down
17 to our staff. But our staff got so big that we eventually had
18 our consultants come in, and we identified lateral transfers,
19 and stuff of that nature, and just ongoing cross communications.
20 And it's worked real well.

21 So, to answer your question, are we different from
22 any other institution, I think we have the seed to be different.
23 We have the attitude that we are a family and that we have
24 ownership.

25 CHAIRMAN LOCKYER: So maybe, for example, and not to
26 be critical of some other place, but prior to this, you were at
27 Susanville, you were at Vacaville, and so on. Do you feel a
28 different spirit around Ironwood?

1 MR. RICE: Yes. How I can address that is that at
2 some of the prisons I've been at in the past, they had cultures
3 and history that's gone on for a long time. And you asked why
4 we do it that way, because it's always been done that way.

5 At Ironwood, we were new, and we had staff coming
6 from all over the state. And we developed -- we're developing
7 our culture. So, if you ask why we're doing it that way, it's
8 because it's the Ironwood way, and it falls under the treatment
9 of people as the basis for why we're doing things.

10 But basically, we are following pretty much the
11 traditional policies and procedures of Corrections in that term.
12 We're real good on our security. We haven't had any escapes.
13 We're good on resolving problems. We respond rapidly. Our
14 staff in those arenas is just as good as any other facility in
15 the state.

16 CHAIRMAN LOCKYER: Questions from Members? Senator
17 Ayala.

18 SENATOR AYALA: I'd just like to ask, the prison is
19 in Blythe, is it?

20 MR. RICE: Yes, sir, Blythe, California.

21 SENATOR AYALA: And you live in Marino Valley?

22 MR. RICE: No, sir. I live in Blythe.

23 SENATOR AYALA: You live in Blythe now, because
24 that's a long ways to go back and forth.

25 Don't we have another prison in Blythe?

26 CHAIRMAN LOCKYER: Chuckawalla.

27 SENATOR AYALA: That's all I have.

28 CHAIRMAN LOCKYER: Others?

1 Do you anticipate some impact from the new conjugal
2 visit policy? What are your experiences with that?

3 MR. RICE: I met with the inmate representatives and
4 talked to them about this, and their issue was how do they get
5 to address their input. And we informed them of the process,
6 the address of the hearings. And they seemed to be pretty much
7 satisfied with that.

8 CHAIRMAN LOCKYER: How many would be affected?

9 MR. RICE: At our facility, we have approximately 80
10 inmates who would be impacted by that.

11 CHAIRMAN LOCKYER: Eighty out of 3600 or so?

12 MR. RICE: About 3600 -- 3700, and those are lifers.

13 CHAIRMAN LOCKYER: Have you seen any Three Strikers
14 yet?

15 MR. RICE: Yes, sir. We're starting to have them
16 arrive, but not very many.

17 CHAIRMAN LOCKYER: What are they there for, can you
18 tell?

19 MR. RICE: No, I can't tell you off the top of my
20 head, but my staff informed me that we have approximately five
21 at our facility right now.

22 CHAIRMAN LOCKYER: I'm sure, also, that we've
23 received no opposition in writing at least.

24 I notice, looking at your affiliations, there are a
25 number of groups that seem self-evident, but I wasn't quite sure
26 how you fit in the Chicano Correctional Workers Association.

27 [Laughter.]

28 CHAIRMAN LOCKYER: Are they very ecumenical? Is that

1 what happens?

2 MR. RICE: Yes, sir.

3 CHAIRMAN LOCKYER: Or are you hiding something about
4 yourself?

5 MR. RICE: I've been a member of the Chicano
6 Correctional Workers Association for several years, and they
7 have treated me as a regular member.

8 CHAIRMAN LOCKYER: So, anyone can join. Is that how
9 it works?

10 MR. RICE: Yes, sir.

11 CHAIRMAN LOCKYER: It's not exclusive.

12 What's the pleasure of the Committee?

13 SENATOR BEVERLY: Move we recommend confirmation.

14 CHAIRMAN LOCKYER: All right, we have a motion.

15 Is there any objection to substituting the prior
16 roll?

17 Hearing none, sir, congratulations.

18 [Thereupon the previous roll
19 was substituted, and the
20 confirmation was recommended
21 with the vote of 5-0.]

22 CHAIRMAN LOCKYER: Good luck to you.

23 MR. RICE: Thank you all very much.

24 CHAIRMAN LOCKYER: Someone might call Senator Kopp,
25 if he wishes to return.

26 Dr. Starr, if you want to come on up, maybe Senator
27 Kopp will join us briefly. In the absence of that, we'll let
28 him just insert himself whenever he joins us.

1 That looks like an elephant tie.

2 DR. STARR: It's the bear of California, the bear
3 which we all serve, the California bear. I didn't think of the
4 University of California but more generically, the State of
5 California.

6 CHAIRMAN LOCKYER: Did you want to begin with any
7 kind of opening statement?

8 DR. STARR: Senator, it's an honor to be here and to
9 be considered by you for this great and important position.

10 This position of State Librarian of California, the
11 seventh to be appointed in this current organization, represents
12 the culmination of all that I've sought to be with my life.

13 I'd like to summon briefly to you who am I and, more
14 importantly, what is the State Library.

15 The State Library was formed in 1850 by Senator
16 Fremont, our first United States Senator, along with Senator
17 Gwin, with a gift of 150 books to serve the newly formed state
18 government. And 145 year later, that remains our primary
19 responsibility, to make sure that the elected officials in the
20 legislative, executive, and even the judicial branch have the
21 information they need to carry on their duties.

22 The State Library, over the years, has grown to be a
23 number of other things as well. It's a reference library, some
24 1.5 million volumes. During the legislative session, we can
25 answer up to 3,000 questions sometimes in a busy week. It's the
26 law library of the state, which comes out of the original
27 foundation of Senator Fremont. It's Braille and Talking Books,
28 serving the visually handicapped throughout the state.

1 It is the California Research Bureau, which is
2 administered by the State Library and by the Joint Senate and
3 Assembly Oversight Committee which, on a very confidential
4 basis, provides you elected officials and other appointed
5 officials as well the long-range policy research they need.

6 The State Library is also a financial agency,
7 administering some \$22 million of state and federal aid, and the
8 all-important Proposition 85 bond issue.

9 And in a very important way, the State Library
10 represents the sovereignty of the people of California, their
11 cultural continuity since 1850, and as such, the job of State
12 Librarian has a certain spokesperson or ceremonial role, to be
13 an advocate for the 8,000 libraries in the state, the 2,000
14 public libraries especially.

15 Who am I? I was born in San Francisco in 1940, and
16 all my life has, as you'll see, come to this moment. My
17 education is such, my parents had a difficult time in raising
18 us. My brother and I went to an orphanage, the Albertinum in
19 Ukiah, from 1946 to '50. And as a boy in somewhat emotionally
20 disturbed circumstances because of the breakup of my family,
21 readership meant so much to me, to read. To this day, I can
22 remember Sister Mauritzia reading to a dormitory room of 40 boys
23 each evening, and in that reading -- and I still visit Sister
24 Mauritzia; she's in her 90s now, living in Mission San Jose --
25 in that reading, in that habit of reading, I built my autonomy
26 and my identity.

27 I went to school at St. Boniface School in San
28 Francisco, St. Ignatius High School, St. Joseph's, minor

1 Seminary in Mountain View, California. I graduated from the
2 University of San Francisco in 1962. I spent two years as an
3 Army officer in a tank battalion in Germany. I then went on to
4 Harvard University on scholarship, where I took my M.A. and
5 Ph.D. degree, and I also am very proud of my Master of Library
6 Science Degree from the University of California at Berkeley.

7 My whole life has been tied up with scholarship, with
8 writing, with librarianship, journalism, and public service.
9 And that is what makes this job so compelling to me, and which
10 has made the past seven months, although the busiest time I've
11 ever spent in my life, also the most exhilarating: the
12 opportunity to pay back to the State of California all that has
13 been given to me through working on behalf of better library
14 service for both the State of California and all the other
15 library jurisdictions.

16 CHAIRMAN LOCKYER: Thank you, Doctor.

17 Let me interrupt or now segue in Dr. Kopp.

18 SENATOR KOPP: Thank you, Mr. Chairman.

19 I'm bringing coals to Newcastle.

20 I want to record, however, my recommendation to the
21 Committee that it confirm or recommend the confirmation of Dr.
22 Starr.

23 I've known Dr. Starr since 1974. I am here to
24 memorialize my attestation of his character, his integrity, his
25 consummate motivation, and his matchless competency in the field
26 of library science.

27 I believe that Dr. Starr represents the finest in
28 gubernatorial appointments, and I further believe that history

1 will demonstrate that no one has surpassed him if given an
2 opportunity as a result of Senate confirmation.

3 And I thank you.

4 CHAIRMAN LOCKYER: Thank you, Senator.

5 DR. STARR: Thank you, Senator Kopp.

6 CHAIRMAN LOCKYER: Senator Petris.

7 SENATOR PETRIS: May I second Senator Kopp's motion?

8 I've had the good fortune to know him for years. I'd
9 like to ask a couple of questions. It's not on your
10 responsibilities.

11 Recently, the University at Berkeley abandoned the
12 undergraduate courses in library science and teach only the
13 graduate level; is that correct? Is that the present status?

14 DR. STARR: Correct, Senator. They've kept it --
15 they're going to keep it as a graduate program, but they're
16 shifting it over from "roll-up-your-sleeves" librarianship and
17 service of people and making it more purely information science.

18 And my opinion is that librarianship involves the
19 most abstruse elements of information science and technology,
20 but also involves getting books to people in the inner city,
21 getting to books to people in the rural parts of our state,
22 building new libraries in areas that don't have libraries.

23 And I think that the University of California at
24 Berkeley, and I say this respectfully as a graduate of the
25 program, is making a big mistake in detaching librarianship from
26 public service. I think librarianship is a science; it's the
27 science of bibliography, of information, but more importantly,
28 it's also a branch of education and a branch of public service.

1 That leaves only San Jose State University producing
2 librarians oriented towards practical work in the field, because
3 the University of California at Los Angeles has made a similar
4 decision regarding its program.

5 As you may or may not know, Senator, I remain a
6 contributing editor to the Los Angeles Times, and I've written
7 rather outspokenly on this issue to try and remind the
8 universities that if they walk away from the library needs of 32
9 million people of the state, they're going to have a tough time
10 when they come back to the same people, asking for budget
11 backing for the expansion of their other university programs.

12 Some programs have a certain humility to them, and
13 librarianship has that. Librarianship is a mode of service.
14 Librarians don't get Nobel Prizes. Librarians rarely get rich,
15 but that doesn't mean that the university should walk away from
16 the training of librarians for the people of this state.

17 SENATOR PETRIS: I was curious, because I feel the
18 same way, and I wrote the letter to the University complaining
19 about that decision.

20 They did the same years before in the Department of
21 Journalism. There's no undergraduate journalism department any
22 more, but they have a graduate department. I don't understand
23 how they can do that. That was my major, so I've been doubly
24 afflicted by those two decisions.

25 Has this had much of an impact in the number of
26 librarians?

27 DR. STARR: It's had an impact because the University
28 of California at Berkeley hasn't admitted students now for the

1 second year. There's no students there.

2 On the other hand, Senator, San Jose State University
3 has responded to this in a very dramatic way, establishing an
4 affiliate program at Cal. State Fullerton. It's my hope also
5 that we can have an affiliate program here at California State
6 University at Sacramento to service the educational needs of
7 those from the north, from Sacramento and the north area, who
8 wish to go to library school.

9 So, I think in general, library education is moving
10 forward to where it began. Melville Dewey began the education
11 of librarians in the library itself, in the State Library at New
12 York, and then later formed the library school there which later
13 became Columbia.

14 And I think down the pike, with the leadership of San
15 Jose State and the encouragement of San Jose State, we'll be
16 able to survive in a newly reconfigured mode.

17 I asked the question, though, Senator, in terms of
18 the University of California walking away from this field, where
19 are the great scholar librarians going to come from to manage
20 these marvelous university collections which the people of
21 California are buying for the University of California if they
22 are not part and parcel of the training of the future university
23 librarians, as well as public librarians, of the state?

24 SENATOR PETRIS: What's the answer?

25 DR. STARR: I think that answer is that the elected
26 officials -- and there I, as an appointed official, back off --
27 the elected officials have to encourage the University of
28 California to keep in mind at all times that it is the people of

1 California who pay its bills.

2 SENATOR PETRIS: Has that ever been revisited? Was
3 that decision made and then they walked away from it?

4 DR. STARR: They walked away from it. I think they
5 were shocked, Senator, at the outrage that responded in the
6 library world.

7 Now, for instance, in my own school, the University
8 of California at Berkeley, where I took my Library Degree in
9 1974, we alumni were rather shocked by it because we produced
10 every kind of librarian. We produced prison librarians, public
11 librarians, and we produced great rare book librarians. We
12 don't see any difficulty in having the continuity of
13 librarianship kept alive in the University.

14 SENATOR PETRIS: That's jeopardizing it right now, I
15 gather?

16 DR. STARR: I think we're trying to -- I think that
17 the decision made by the University of California is creating a
18 two-tiered system of librarians: those that come from U.C.,
19 which will be called information science; and then the San Jose
20 State librarians. And I don't think you can have a cap or
21 two-tiered system in the preparation of librarians for the
22 entire state.

23 SENATOR PETRIS: Where do the local librarians come
24 fit in there?

25 DR. STARR: Well, the local libraries, I think --

26 SENATOR PETRIS: Are they a third tier?

27 DR. STARR: No, the local libraries, I think, will
28 probably do most of their recruiting from the San Jose State

1 graduates.

2 I also think, Senator, that we have to have very
3 vigorous programs of internships, especially for minority people
4 who want to become librarians. You can come up to a college
5 degree, work at a library, be a library tech., and then to make
6 that jump to the Master of Library Science you've got to have
7 flexible work hours, but you also have to have a faculty, a
8 facility, within some reasonable distance to go to. And that's
9 why I'm so heartened by the San Jose State program at Fullerton
10 and want to have one here in Sacramento as well.

11 SENATOR PETRIS: Last week, I visited my old high
12 school in Oakland, McClymonds High School.

13 DR. STARR: Great basketball power when I was in high
14 school.

15 SENATOR PETRIS: Yes, well, it was a great library
16 power when I was there.

17 [Laughter.]

18 SENATOR PETRIS: But times change, and I'm a lot
19 older.

20 But I remember very well the librarian we had there.
21 She was very popular with the students and extremely helpful.

22 But now, I am sad to note that we in California have
23 the smallest number of librarians in our high schools than any
24 state in the Union. It's another area where we're number 50.

25 DR. STARR: That's right, Senator, we're fifty. And
26 of course, as you remember your own librarian from McClymonds, I
27 remember mine from St. Ignatius, and I'm sure others.

28 Fortunately, we also have a very reinvigorated school

1 -- California School Librarians Association. And we met
2 recently with that group, John McGinniss, myself, and others,
3 Barbara Jeffus, with Superintendent of Public Instruction
4 Delaine Eastin. And we're going to be addressing that
5 challenge.

6 I don't think that anyone is comfortable with the
7 absolute deterioration of school libraries in this state. It
8 sort of crept up on us over the last 15-20 years. We weren't
9 paying attention to it.

10 The State Library, although this is not my
11 jurisdiction, it's the jurisdiction of the Superintendent, the
12 State Library is looked upon to help this. And Superintendent
13 Delaine Eastin and I are already meeting, and we're going to be
14 working on behalf of this.

15 CHAIRMAN LOCKYER: What can you do?

16 DR. STARR: Senator, it's not for me to do this as an
17 elected official, but hopefully aspiring elected official --
18 aspiring appointed official. This belongs to the elected
19 officials. But I think the solution is political.

20 I think that probably the school librarians and
21 library people will probably look for some kind of referendum,
22 put something on the ballot for school libraries.

23 But I feel very trepidatious speaking about this,
24 because I tried, in the last seven or eight months, to stay away
25 from anything that pertains to the political process in that
26 sense.

27 SENATOR PETRIS: Well, we need some guidance,
28 nevertheless, so we won't hold it against you.

1 DR. STARR: I have been conferring, and I also, for
2 instance, Senator Marks -- there's been bills for the libraries,
3 for library construction in both the Assembly and the State
4 Senate. And I have requested Governor Wilson's permission to
5 speak openly and lobby openly on behalf of these two bills. And
6 I have my request in now, and I'm sure the Governor will honor
7 that request.

8 SENATOR PETRIS: I notice you've been doing a lot of
9 visiting to the local libraries around the state. They're also
10 interested in helping the high school libraries, I imagine.
11 Might be some kind of a concerted effort from the whole library
12 community.

13 DR. STARR: Absolutely. I think that these bills,
14 the bills that are being considered by the Senate and the
15 Assembly, have a broader and more encompassing direction.

16 I have been going up and down the state, Senator. I
17 tried to be in every county as best I can, looking forward to
18 this confirmation hearing, and I've tried to identify with the
19 different problems in the north state, where people have to come
20 in 30, 40, 50 miles to go to the library, or to the inner city
21 of South Central Los Angeles with their differing needs.

22 I think the important thing to remember in this, and
23 I've learned in my travels, is that we can't establish a
24 two-tiered society of information-rich and information-poor.
25 When we get the applications for LSCA grants, and I review them
26 meticulously myself, I'm rather concerned that the same
27 districts seem to have the best applications each time. It's
28 the Matthew 13 effect: "To him who hath much, much shall be

1 given. To him that hath little, that little which he has shall
2 be taken from him."

3 SENATOR PETRIS: Is that one of the books in --

4 DR. STARR: Matthew 13, Gospel of Matthew. That book
5 is in our library.

6 And I have a program now that we're starting at the
7 State Library to give workshops to some of the disadvantaged
8 districts on how to present applications, on how to envision
9 their future. Especially, this is important for the north and
10 it's important for parts of Southern California.

11 I visited a library in the barrio of Riverside, and I
12 have never seen simultaneously such deprived circumstances nor
13 such seraphically intelligent and committed librarians as I
14 found in that place. So, in many cases, the poorest of
15 resources have the richest of human resources.

16 And I think it's our job in the State of California
17 to make sure that this is equalized as much as possible up and
18 down the state.

19 SENATOR PETRIS: The question has slipped by. I'll
20 go to another one and then come back.

21 CHAIRMAN LOCKYER: "Seraphically" probably did it.

22 SENATOR PETRIS: Yes. If I knew how to spell it, I'd
23 write it down.

24 DR. STARR: The seraphim were --

25 CHAIRMAN LOCKYER: Angelic.

26 DR. STARR: It's the choir of angels, Senator, that
27 obtained to intelligence the most, according to Greek theology.

28 SENATOR PETRIS: Yes, well, I missed that chapter.

[Laughter.]

CHAIRMAN LOCKYER: He's still into the wars and stuff.

[Laughter.]

SENATOR PETRIS: I remember it now.

Have you had a chance in the sort time you've been there to check the contributions that are being made through the income tax check-off to helping --

DR. STARR: Yes, we have. Barbara Jeffus, who is our representative over at the Office of Public Instruction, is monitoring that. And they had something like 10,000 applications, and I forget exactly how many they could fulfill; it's a very small number. But this has been a very successful program. It's moving towards a million dollars, if I remember correctly the sum that was given.

SENATOR PETRIS: Is it that high?

DR. STARR: Yes, if I remember. It's very successful, and I have great hopes for it to grow.

SENATOR PETRIS: I was reminded of it last night, Mr. Chairman, working on my current income taxes, and I checked off "Library."

I hope the public is listening. I urge you to do the same, if we're on t.v.

Bookmobiles, do we still have any left, or have those been wiped out?

DR. STARR: Not the California State Library. We used to have them --

SENATOR PETRIS: No, I mean local.

1 DR. STARR: Yes, oh certainly. We have very
2 successful programs, especially in our rural areas. Bookmobiles
3 are very important.

4 The state used to support bookmobiles many years ago.
5 I was reading lately William Eaverson's letters to Lawrence
6 Clark Powell from Fresno in the late 1930s, when he was a manual
7 laborer trying to write poetry, and he became a great California
8 poet, and how, thanks to the bookmobile, thanks to the county
9 library system, he could get any of the books he needed.

10 We have bookmobiles as a mode of distribution, and of
11 course, we have the forthcoming new technology that will enable
12 us -- allow us in the future to operate our entire library
13 system, not as an administrative whole, because it'll still be
14 under local jurisdictions, but certainly we can operate our
15 collections as a whole so that no one area of California will be
16 deprived from information resources.

17 SENATOR PETRIS: Did you say that the state system
18 also used to have bookmobiles?

19 DR. STARR: Yes, sir.

20 SENATOR PETRIS: Do we still have those?

21 DR. STARR: No, sir, we don't.

22 SENATOR PETRIS: Is that because of financial --

23 DR. STARR: We used to have a much closer
24 relationship to the county libraries, Senator, in the
25 nineteen-teens and twenties, but now that the county libraries
26 are more independent, they tend to operate those programs.

27 At one point, California was looking to having a
28 unified system, with the California State Library really as the

1 sort of Mother of All Libraries for the state. But then, with
2 the rise of our population from 9 million in '39, to 22 million
3 in '62, to 32-plus million today, our local jurisdictions have
4 come and taken those over, and the State Library has become more
5 focused on work for government, and the work as a financial
6 agency for library development throughout the state.

7 SENATOR PETRIS: As an author yourself, you've
8 written distinguished books on the history of California,
9 particularly the literary history --

10 DR. STARR: Thank you.

11 SENATOR PETRIS: -- who, in your mind -- and you
12 don't need to answer this, because you're on the hot seat, I
13 guess -- but whom would you regard as the top five current
14 writers coming up in California?

15 DR. STARR: I'm more comfortable as an appointed
16 official talking about those who have gone before us.

17 But I'd say we have many, many fine writers. I James
18 Houston, who writes out of Santa Cruz, is a very fine writer.
19 Amy Tan is a very fine writer. Maya Angelou. There's just an
20 embarrassment of riches in this state, the writers.

21 It's always been a very powerful literary state, with
22 Gertrude Atherton, Mary Austin, Ina Coolbrith who was librarian
23 of Oakland, a great poet, Jack London, Frank Norris. We've
24 always had an abundance of writers and that tradition continues.

25 And one of the things I'm doing, Senator, is to try
26 and get the State Library to get the papers of writers. For
27 instance, we've succeeded. Richard Rodriguez, the very
28 distinguished Mexican-American, Mexican-Californian, a native of

1 Sacramento, has designated the State Library for his papers.
2 Paul Erdman, The Billion Dollar Sure Thing, the popular
3 novelist, has designated the State Library.

4 And I think down the pike that that program, I'm
5 going to put a lot of energy behind that, not to the exclusion
6 of my other duties, but to make sure that the State Library has
7 that quality of representing the literary and historical
8 tradition of the state, as well as operating as a reference
9 point for government, and as a leading agent for public
10 libraries.

11 SENATOR PETRIS: Is there any state, especially
12 considering our youth, we're not as old as the eastern states,
13 that has a better concentration over the years, especially in
14 its early years, of fine writers?

15 DR. STARR: Well, I think you've hit an important
16 point, Senator.

17 In my opinion, when I first finished my Ph.D. orals
18 at Harvard and was looking for a dissertation topic, I went to
19 the fourth floor of Widener Library. And Horace Davis, Harvard
20 Class of 1844, Law School Class of 1848, had left money to
21 Harvard upon his death for the buying of books on California.
22 And so when I walked and browsed the stacks on the fourth floor
23 of Widener and saw that the entire wing is devoted to the books
24 of California, and I began to look at our writers in the 19th
25 and 20th Century, I began to look at our philosophers, Josiah
26 Royce, our economists, Henry George, I began to look at our
27 artistic personalities, Isadora Duncan, another citizen of
28 Oakland, and I had an insight there that California was rich in

1 its interior intellectual, moral, and imaginative culture.

2 There was more of constituent commonwealth of
3 America, along with New England, the Middle Atlantic States, the
4 South, the Midwest, and that California was ranked with those,
5 not just in its riches, material riches, but in its internal
6 riches as well. And I think history shows that.

7 I think the past is only a prologue to the future. I
8 think we're on the verge of a Golden Age of American
9 civilization in California. Despite all the problems which you
10 elected officials have to grapple with day by day, there is that
11 finer California emerging. We all see it, and we're going to
12 make it happen, each of us in our own way; I, through library
13 service.

14 SENATOR PETRIS: That's great. Thank you very much.
15 Thanks, Mr. Chairman.

16 CHAIRMAN LOCKYER: Do you have a book project going?

17 DR. STARR: I have two books. I finished three
18 volumes before I took this job, 2700 pages, three volumes
19 called -- it's my Americans and the California Dream series.

20 The fourth volume, which is now in press, is called
21 Endangered Dreams: California in the Great Depression. And then
22 The Dream Endures: California into World War II, that's done.
23 And then War and Return: California to 1950.

24 I'm now doing two books in my time -- my schedule's
25 changed now with working 40-50 hour week, but I live nearby.
26 I'm under contract with Alfred A. Knopf to do a book called The
27 Coast: California since 1950, and also I'm under contract with
28 Alfred Knopf to do a book called Catholic in America, which is

1 going to be a social cultural history of Catholic immigration.

2 CHAIRMAN LOCKYER: You served how many years in San
3 Francisco?

4 DR. STARR: Towards four, and I left when I received
5 a Guggenheim Fellowship to finish the second volume in my
6 series.

7 Mayor Mosconi very kindly invited me to stay on after
8 he became Mayor, but when I got this Guggenheim, I had to really
9 take that.

10 CHAIRMAN LOCKYER: Is there any particular singular
11 accomplishment that you would point to during that phase of your
12 career that --

13 DR. STARR: It was a tough time, Senator, because the
14 early '70s were very difficult. I came into a very polarized
15 union situation, but we got 133 SEATA employees. We opened the
16 library for the first time on Sunday in 25 years, and that's a
17 very important thing, is to get libraries open when working
18 people can use them. We got the San Francisco History Room
19 established.

20 I got a number of minority people working in the
21 library to make the leap into the professional ranks by setting
22 up flex time for them. I promoted the public relations side of
23 the library, tried to raise the consciousness of the library in
24 the city, and I think in some of those areas, I was successful.

25 I noticed, coming to the State Library now, a number
26 of years later, that the union situation, the staff associations
27 situation and management, is very different. Not that there
28 aren't points of disagreement that come, but we don't have the

1 kind of dialectical encounters that I achieved there.

2 I did all that I could also to keep the branch
3 systems going. When they wanted to close the branch out in the
4 Ocean Avenue area because it was small, I said that's okay if
5 it's small. These people are poor in this area. That library
6 has to stay open.

7 I began the purchase of Asian language materials in
8 the Chinatown branch, and now, of course, the purchasing of
9 Asian materials is universal throughout the state.

10 I went with Dr. James Holliday, the Executive
11 Director of the California Historical Society, and we brought
12 back \$276,000 from the National Endowment for the Humanities for
13 the Bicentennial programs, the American Issues Forum in San
14 Francisco.

15 And I ceaselessly tried to raise the consciousness of
16 the library, just as I'm going to, if confirmed by this body,
17 try to do my best to alert the people of California that they
18 have something akin to the Library of Congress in their
19 possession, this great library founded in 1850, including the
20 Sutro Library in San Francisco. And that we, as Californians,
21 know ourselves through our cultural institutions, and at the
22 forefront of that is our State Library.

23 CHAIRMAN LOCKYER: That's an impressive list in the
24 prior years.

25 Now, looking ahead, if you've got some years for some
26 serious running room here, what would you hope would be the
27 three or four principal accomplishments?

28 DR. STARR: There would be internal and external,

1 sir. The internal ones, I want to fine-tune the Library. We
2 need to get more of our electronics and automation more up to
3 date.

4 It's ironic, and I'm not complaining to you --
5 elected officials don't get a satisfaction cutting budgets, I
6 know -- but we're a little bit behind on our electronic
7 development side in terms of our circulation system, and I look
8 forward to working with that.

9 I want to fine-tune some of the processes in the
10 Library, because we had a roughly 40 percent cut in staff, and
11 we have to re-educate ourselves. The Golden Age will not come
12 back, where suddenly you're going to start throwing all kinds of
13 people at us. And we have to re-educate ourselves to do more
14 with less.

15 When I first came to the Library, there were signs up
16 saying, "Due to budget cuts, no books can be paged after 4:30."

17 Well, I said to the staff, let's not hit the voters
18 or elected officials over the head. The voters give us the most
19 money they can; the elected officials have many compromises.
20 It's a miracle that the Library's open 'til 4:30.

21 I didn't put a sign up there saying, "It's a miracle
22 the Library's open 'til 4:30," but I did try and bring us into
23 this new era where we deal with the fiscal realities that will
24 be part and parcel of my time.

25 I also want to, and I touched on this, to upgrade the
26 California collection and get that side in terms of manuscripts.
27 In terms of our published resources, we are equal to the
28 Bancroft. In terms of our manuscripts and archival resources,

1 we're not, so we're going to play catch-up on that, and that's a
2 lot of fun.

3 I'm also trying to work with my staff to give them a
4 sense of self-esteem, the importance of working for the state.
5 Many of them have it. Others are still a little shell-shocked
6 from the budget cuts, and I'm working with them. And I'm trying
7 to reward talent in that regard.

8 And externally, I want to see the Sutro Library,
9 which is one of our great treasures, more permanently
10 established. It's a miracle that we got the ex-Senate and
11 Assembly Chambers down there, but in the long run, Mr. William
12 Lohenberg of San Francisco is going to help me, and we're going
13 to get a more permanent place for that. I don't know exactly
14 where; it could be right where we are there. I have no agenda
15 there. I want to do that.

16 And I also want to ensure this equity of service up
17 and down the state. I want the State Library to be the library
18 of last resort for all of us, that no Californian is
19 disemancipated, if there's such a word, from library service
20 because the State Library is there and cares about them. And I
21 want to foster that rise of a cooperative Library of California
22 sensibility, both in terms of technology, but also in terms of
23 the programs that we have: the outreach programs for minority
24 people; the reading programs that we have for the prison system;
25 our literacy program which this Senate body has been so generous
26 to over the years.

27 CHAIRMAN LOCKYER: How is that working?

28 DR. STARR: It's working magnificently, sir. You

1 would have tears in your eyes if you heard the testimony that I
2 did a week ago when I went down to San Bernardino for the
3 graduation of the people in that program, and heard the
4 testimonies of how a sense of shame about a literacy problem was
5 overcome, and how they went there, and how they now gave talks
6 which they had written out themselves. And because they broke
7 through that barrier of literacy, they're going to be productive
8 citizens. They won't have to be inhabitants or inmates of
9 institutions, or not be able to support themselves.

10 The State Senate of California has been very generous
11 to the literacy program, and we're very proud of the results
12 we're showing in it.

13 CHAIRMAN LOCKYER: Senator Petris.

14 SENATOR PETRIS: I've been to some of those
15 graduations, too, and it's really very moving to see someone get
16 up who's 50 years old, read a passage from a book or read his
17 own composition, as you said.

18 Since we're talking about budgets and cuts, I wanted
19 to leave this thought with you, which I'm sure is very familiar
20 to you. I don't know who wrote it. I saw it in the Berkeley
21 Public Library, and I'd like to see it on the outside of every
22 library in the state. You don't need it inside, because people
23 who are in there understand it and appreciate it.

24 It says: "Libraries will get you through times of no
25 money better than money will get you through times of no
26 libraries."

27 If people see that from the outside, then they might
28 be more tempted to go in and use it and support it.

1 DR. STARR: That's true.

2 One of the things I'm emphasizing at the statewide
3 learning center here is that we don't threaten our elected
4 officials, whether on the state level or the local level, and
5 say, "Give us more money or we're going to close."

6 It's that we take the money given to us, which
7 represents the stewardship of our people, and we do the most
8 with it. And then we say to the people of California and to the
9 elected officials, "Look at what we've done with \$5. And if you
10 give us \$5.15, we're going to be able to increase on the margin
11 geometrically and do A, B, C, D."

12 And I think that sensibility is coming, where we stop
13 blaming, stop whining, and go forward together as Californians
14 with the financial resources that we realistically have, given
15 all the demands that you Senators have to meet, day by day, for
16 this entire state.

17 That doesn't mean that we don't fight for our budget,
18 but we fight out of strength and service, not out of threats of
19 closures.

20 CHAIRMAN LOCKYER: Senator Ayala.

21 SENATOR AYALA: I just wanted to say that I visited
22 with the good Doctor at great length last week, and I was very
23 impressed with him.

24 I think we're very fortunate to have somebody of his
25 caliber as our State Librarian. In fact, I went away thinking
26 he was over-qualified for the job.

27 You should be running for the Superintendent of
28 Instruction, and I think that'd be a better position for you.

1 DR. STARR: Senator, no one's over-qualified for
2 being a librarian. It can be argued that it's the oldest
3 profession that we have.

4 [Laughter.]

5 DR. STARR: Certainly there were librarians in the
6 ancient temples, the ancient world, and it's my calling.

7 But any qualifications I have is because people
8 raised their hand out to me. I was raised in poverty and
9 circumstances in the Protreroville Housing Project. My mother
10 was on relief, Aid to Dependent Children in 1950, '51, '52, '53.
11 So, whatever qualifications I have is because people reached out
12 to me and said, "Kevin, here's a scholarship." "Kevin, go to
13 school." "Kevin, here's a book. Let's read it and let's talk."

14 And that's what I want to do as Librarian, is to hand
15 that on to others, what was handed on to me.

16 SENATOR AYALA: May I move this good Democrat out?

17 CHAIRMAN LOCKYER: Sure.

18 We have a motion.

19 Your enthusiasm is infectious and impressive. Thank
20 you for a thoughtful presentation.

21 Oldest profession.

22 [Laughter.]

23 CHAIRMAN LOCKYER: I guess that's, God named
24 everything, and that was the Dewey Decimal System, or something,
25 classifications.

26 DR. STARR: Well, I mean to suggest, Senator, is that
27 really, if we go back to the most ancient of ancient cities, we
28 have something resembling a library and archive there.

1 CHAIRMAN LOCKYER: Yes, I understand.

2 Thank you for informing us in interesting ways while
3 we consider this matter.

4 Senator Ayala moves. Call the roll, if you will.

5 SECRETARY WEBB: Senator Ayala.

6 SENATOR AYALA: Aye.

7 SECRETARY WEBB: Ayala Aye. Senator Lewis.

8 SENATOR LEWIS: Aye.

9 SECRETARY WEBB: Lewis Aye. Senator Petris.

10 SENATOR PETRIS: Aye.

11 SECRETARY WEBB: Petris Aye. Senator Beverly.

12 SENATOR BEVERLY: Aye.

13 SECRETARY WEBB: Beverly Aye. Senator Lockyer.

14 CHAIRMAN LOCKYER: Aye.

15 SECRETARY WEBB: Lockyer Aye. Five to zero.

16 CHAIRMAN LOCKYER: We're fortunate to have your
17 stewardship.

18 DR. STARR: Thank you, Senators, and I will never
19 lose sight in the time, however long I serve, of the fact that
20 the primary mission of this Library is to serve state
21 government. All the other things we do, we have to take care of
22 the store and do that first.

23 I keep reminding staff, and staff is very much
24 committed to this ideal: your information needs. You're our
25 first client.

26 Thank you.

27 [Thereupon this portion of the
28 Senate Rules Committee hearing
was terminated at approximately

2:57 P.M.]

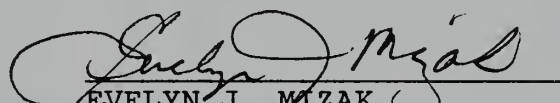
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I further certify that I am not of counsel or attorney for any of the parties to said hearing, nor in any way interested in the outcome of said hearing.

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EVELYN J. MIZAK
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SENATOR RUBEN AYALA

SENATOR JOHN LEWIS

MEMBERS ABSENT

SENATOR ROBERT BEVERLY, Vice Chair

SENATOR NICHOLAS PETRIS

STAFF PRESENT

GREG SCHMIDT, Executive Officer

PAT WEBB, Committee Secretary

RICK ROLLENS, Consultant on Bill Referrals

NANCY MICHEL, Consultant on Governor's Appointments

GOVERNOR'S APPOINTEE

WILLIAM J. HUME, Member
State Board of Education

INDEX

	<u>Page</u>
Proceedings	1
<u>Governor's Appointees:</u>	
WILLIAM J. HUME, Member State Board of Education	1
Statement by CHAIRMAN LOCKYER re: Division of Opinion on Appointment	1
Motion to Send Confirmation to Floor without Recommendation	1
Committee Action	1
Termination of Proceedings	1
Certificate of Reporter	2

P-R-O-C-E-E-D-I-N-G-S

--oo0oo--

CHAIRMAN LOCKYER: The next item is Mr. Hume's appointment as a Member of the State Board of Education.

There is a division of opinion on the Rules Committee. So, since Thursday is the drop-dead date for this appointment -- that is, the year will have run -- it seems appropriate to move it to the Floor without a recommendation so that then the Floor can engage in an active debate, and each Member of Rules could cast whatever vote they would deem appropriate when it's on the Floor.

Senator Lewis, can you help me with that motion?

SENATOR LEWIS: I'll be glad to make the motion.

CHAIRMAN LOCKYER: All right. So, it's a motion to send the matter to the Floor for their consideration without a recommendation from Rules.

May we record the three of us present for that purpose? Okay, that'll be the order.

[Thereupon the record reflected a vote of 3-0 to send the confirmation to the Floor without recommendation.]

[Thereupon this portion of the Senate Rules Committee hearing was terminated at approximately 10:54 A.M.]

--oo0oo--

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SENATOR ROBERT BEVERLY, Vice Chair

SENATOR RUBEN AYALA

SENATOR JOHN LEWIS

SENATOR NICHOLAS PETRIS

STAFF PRESENT

GREG SCHMIDT, Executive Officer

PAT WEBB, Committee Secretary

RICK ROLLENS, Consultant on Bill Referrals

NANCY MICHEL, Consultant on Governor's Appointments

ALSO PRESENT

JAMES S. STOCKDALE, Member
California Unemployment Insurance Appeals Board

GARY WESTON, Member
State Board of Education

INDEX

	<u>Page</u>
Proceedings	1
<u>Governor's Appointees:</u>	
JAMES S. STOCKDALE, Member California Unemployment Insurance Appeals Board	1
Background and Experience	1
Questions by CHAIRMAN LOCKYER re:	
Tenure on Board	1
Number of ALJs and Workload	2
Management	2
Rotation of Board Panels	3
Bulk of Work in Unemployment Appeals	3
Dispute Patterns	4
Assessment of Evidence by ALJs	4
Questions by SENATOR AYALA re:	
Backlog	5
Reasons for Backlogs	5
Questions by CHAIRMAN LOCKYER re:	
Any Inherent Unfairnesses in Law	6
Questions by SENATOR PETRIS re:	
Gustavus Adolphus	6
Motion to Confirm	7
Committee Action	7
GARY WESTON, Member State Board of Education	7
Background and Experience	8

INDEX (Continued)

Questions by CHAIRMAN LOCKYER re:

Tenure of Position 9

Plans for Next Year 9

Questions by SENATOR PETRIS re:

Location of High School 9

Questions by SENATOR AYALA re:

State's Policy on Educating Children of
Undocumented Immigrant Parents 10

Educating Citizens with Illegal Parents 11

Questions by CHAIRMAN LOCKYER re:

Most Difficult Issue While on Board 11

Controversies during Tenure on Local Board 12

Motion to Confirm 13

Committee Action 13

Termination of Proceedings 13

Certificate of Reporter 14

P-R-O-C-E-E-D-I-N-G-S

--oo0oo--

CHAIRMAN LOCKYER: Our first appointee to speak with is Mr. Stockdale, who's been appointed by the Governor to the Unemployment Insurance Appeals Board.

MR. STOCKDALE: Thank you, sir.

If you'll come on up. Sometimes, Jim, people want to begin with a little opening statement about their background. It's not necessary, but if you would wish to, we'd entertain that initially.

MR. STOCKDALE: Thank you, sir.

I was born and raised in South Dakota. Like a lot of smart people, I migrated from the Midwest to California in the '70s. I served as Deputy Undersecretary for Government Affairs in the early '80s. Returned to California to serve as Acting Undersecretary, and then acting Secretary of the Health and Welfare Agency, and then was appointed to the Unemployment Insurance Appeals Board.

I'm here for my confirmation on my reappointment.

CHAIRMAN LOCKYER: Tell us about the job. How long have you been there now?

MR. STOCKDALE: This is my hearing for my third term, so I've been there eight years.

The job basically entails two things. One is, we are the end of the administrative due process part on unemployment insurance appeals claims. After our Board's decisions, an appeal would go to Superior Court. So, we act as the, if you will, the last train stop on the administrative due process.

1 We also, as a seven-member Board, manage the field
2 operation, which consists of the different administrative law
3 judges who hear the initial appeals as they come from EDD.

4 CHAIRMAN LOCKYER: How many of them are there?

5 MR. STOCKDALE: How many judges are there?

6 CHAIRMAN LOCKYER: Yes.

7 MR. STOCKDALE: We have 217 ALJs, of which 193 are
8 permanent.

9 CHAIRMAN LOCKYER: Those are all full-time?

10 MR. STOCKDALE: Yes.

11 CHAIRMAN LOCKYER: Is that much workload before the
12 ALJs?

13 MR. STOCKDALE: At the moment we're in a process of
14 doing some downsizing. As you will recall during the
15 recessionary years, we added some ALJs. Now that the cycle is
16 going down, we're in the process of doing some downsizing.

17 At the moment, there is work for all of those ALJs.

18 CHAIRMAN LOCKYER: How do you manage them? Just by
19 your appointment of hiring of an executive officer?

20 MR. STOCKDALE: We do not have an executive officer,
21 sir. The Chairman of the Board acts, if you will, as the
22 executive officer, with the advice and consent of the other
23 Board members.

24 CHAIRMAN LOCKYER: Okay.

25 MR. STOCKDALE: Our senior staff consists of a
26 General Counsel, a staff person that handles all of the field
27 judges, and a staff person that handles what we call the Board
28 authors, which are those who review the appeals coming from the

1 field before they come to the members of the Board.

2 CHAIRMAN LOCKYER: Are there many of those?

3 MR. STOCKDALE: Don't hold me precisely to this
4 figure, 20.

5 CHAIRMAN LOCKYER: That come --

6 MR. STOCKDALE: That are at the Board, who review the
7 decisions coming from the field prior to them being submitted to
8 panels of Board members to make the ultimate decision.

9 CHAIRMAN LOCKYER: I see.

10 And you rotate the Board panels? Is that how that
11 works?

12 MR. STOCKDALE: It's done by random drawing. There
13 are two-member panels, and our computer determines which of the
14 seven members are on two-member panels. The computer balances
15 it out, so we try to have an equivalent workload.

16 We also have seven-member panel decisions which we
17 can issue, and of course, if you look at it from a legal
18 standpoint of view, the highest decision we can make are
19 precedent decisions, which do bind legally.

20 CHAIRMAN LOCKYER: The overwhelming bulk of the work
21 seems to be in the unemployment appeals rather than disability
22 or tax?

23 MR. STOCKDALE: That is correct. The breakdown is:
24 81 percent are U.I., or unemployment; with 10 percent being
25 disability; the other 9 percent are tax cases.

26 CHAIRMAN LOCKYER: Is there any particular
27 contentiousness or lack of clarity in the code? What do you
28 think accounts for the disproportionate number of U.I.

1 arguments?

2 MR. STOCKDALE: I think it's the number of people who
3 fall into that category. I don't think there's any problem
4 within the code. I think it's just that's the way it shakes
5 out, if you will.

6 CHAIRMAN LOCKYER: That the pool is that much bigger?

7 MR. STOCKDALE: Yeah. More people are going to be
8 appealing a layoff, if you will, than a disability just because
9 there are just that many more who are subject to that particular
10 problem.

11 CHAIRMAN LOCKYER: Do you notice any pattern of the
12 type of U.I. disputes that you see most frequently?

13 MR. STOCKDALE: No, I think they stay fairly
14 consistently. By and large, the issue in the overwhelming
15 majority is whether or not misconduct has taken place. If it's
16 a matter of misconduct -- if it's not a matter of misconduct,
17 there is an entitlement to unemployment insurance. If there is,
18 there is not, and that's almost --

19 CHAIRMAN LOCKYER: That's the argument almost all the
20 time?

21 MR. STOCKDALE: That's the argument.

22 CHAIRMAN LOCKYER: How does the judge assess the
23 evidence on misconduct? Is it just affidavits, and people's
24 testimony on both sides?

25 MR. STOCKDALE: Both, both. There are times when the
26 hearings are ex parte. I suppose there are as many different
27 types of situations before an administrative law judge as there
28 would be before any other type of judge.

1 CHAIRMAN LOCKYER: Are there questions from Members?
2 Senator Ayala.

3 SENATOR AYALA: I would like to ask, how large of a
4 backlog do you have currently?

5 MR. STOCKDALE: Currently we're pretty current, sir.

6 SENATOR AYALA: I see.

7 MR. STOCKDALE: And that's because we're going
8 through one of those periods when we're -- we are downsizing
9 just because of the workload. We're reasonably current.

10 SENATOR AYALA: And your job would be to hear appeals
11 of the person who's been denied any benefits; is that correct?

12 MR. STOCKDALE: They could be employee appeals or
13 employer appeals.

14 SENATOR AYALA: And what creates a backlog, to need
15 for you to have additional help? What causes that to become a
16 backlog?

17 MR. STOCKDALE: Examples would be, a large industry
18 in a certain area laying off or moving. That's the primary one,
19 is employers --

20 SENATOR AYALA: But currently, you have no backlog?

21 MR. STOCKDALE: Currently we're handling our cases.
22 There's always a certain amount of cases, if you will, in the
23 pipeline.

24 I'm defining a backlog as something whereby the
25 workload is coming in at a rate that our current staff cannot
26 handle, and that is not in existence at this moment.

27 SENATOR AYALA: Thank you.

28 CHAIRMAN LOCKYER: Have you noticed any significant

1 number of cases where you felt constrained by the law, that it
2 might have produced an unfairness for either the employer or the
3 employee?

4 MR. STOCKDALE: Not that probably can be handled by
5 legislation.

6 I think whenever you have statutory time limits,
7 there is always the possibility that, given certain reasons, and
8 there's a cut-off time, that there can be a problem. We tend to
9 be quite generous in assessing these situations, so --

10 CHAIRMAN LOCKYER: You could grant extensions?

11 MR. STOCKDALE: It isn't so much as granting an
12 extension. It is coming up with the reason why, under the
13 circumstances, that particular, if you will, time limit wouldn't
14 apply.

15 CHAIRMAN LOCKYER: Senator Petris.

16 SENATOR PETRIS: I've forgotten. I think he's some
17 kind of an Horatio Alger-type.

18 Who was Gustavus Adolphus?

19 MR. STOCKDALE: Gustavus Adolphus was a Swedish king,
20 sir.

21 I graduated from Gustavus Adolphus College. I think
22 that's one of the first things they make you learn.

23 SENATOR PETRIS: Thank you.

24 MR. STOCKDALE: You're welcome.

25 I happened to be one of the few Norwegians, sir, who
26 went to Gustavus Adolphus, from an Irish and Norwegian
27 background. Perhaps I was a little bit out of my element for a
28 while.

1 CHAIRMAN LOCKYER: Anyone present who wishes to
2 comment either for or against the appointment?

3 What's the pleasure of the Committee?

4 SENATOR BEVERLY: Move we recommend confirmation.

5 CHAIRMAN LOCKYER: We have a motion by Senator
6 Beverly.

7 Are you ready to go to a vote? Call the roll.

8 SECRETARY WEBB: Senator Ayala.

9 SENATOR AYALA: Aye.

10 SECRETARY WEBB: Ayala Aye. Senator Lewis.

11 SENATOR LEWIS: Aye.

12 SECRETARY WEBB: Lewis Aye. Senator Petris.

13 SENATOR PETRIS: Aye.

14 SECRETARY WEBB: Petris Aye. Senator Beverly.

15 SENATOR BEVERLY: Aye.

16 SECRETARY WEBB: Beverly Aye. Senator Lockyer.

17 CHAIRMAN LOCKYER: Aye.

18 SECRETARY WEBB: Lockyer Aye. Five to zero.

19 CHAIRMAN LOCKYER: Good luck.

20 MR. STOCKDALE: Thank you, Senator. Thank you,
21 gentlemen.

22 CHAIRMAN LOCKYER: Keep up the good work.

23 Mr. Weston is our next person.

24 MR. WESTON: Hello, sir.

25 CHAIRMAN LOCKYER: How are you today?

26 MR. WESTON: Not bad. How are you?

27 CHAIRMAN LOCKYER: All right.

28 Do you want to tell us a little about you?

1 MR. WESTON: Okay.

2 My name is Gary Weston. I'm from Lake Elsinore,
3 California in Riverside County, down south. I've lived there
4 for 14 years. Before that, I lived in Orange County. I'm born
5 and raised in Southern California.

6 I currently attend high school at Temescal Canyon,
7 which is in the community of Lake Elsinore.

8 I've been on the Board since August. My background
9 in education, as far as that goes, I've been in the same school
10 district all the way through. And I got involved with the
11 operations of the district actually my freshman year of high
12 school, which is rare for a student. My mother had always been
13 quite involved, and rarely did I have a ride home. So, often I
14 attended meetings with her, and this was out of convenience.
15 And I would sit in the meeting rooms and do homework, or
16 whatever.

17 And one day, one of the assistant superintendents
18 turned to me and asked me for an opinion. And I was kind of
19 shocked as a freshman would be. I took it in, thought about it,
20 gave a response. He decided to put me on the committee. From
21 there, it just kind of snowballed. I got on committee after
22 committee. I met some of the board members from my district.
23 They asked me to serve as the student representative on the
24 board. I was the second one in my district. I've served in
25 that position for three years.

26 I heard about -- at a California School Boards
27 convention, I heard about the position on the State Board of
28 Education, and I was just -- that was my goal, my dream. And

1 after a six-month process, I was fortunate enough to be
2 appointed by the Governor.

3 CHAIRMAN LOCKYER: Now are you a senior?

4 MR. WESTON: Yes, I'm a senior in high school.

5 CHAIRMAN LOCKYER: So you graduate this June?

6 MR. WESTON: Yes, I will.

7 CHAIRMAN LOCKYER: How long does the position run?

8 MR. WESTON: The position goes until August 1.

9 CHAIRMAN LOCKYER: You were appointed, then, sometime
10 back when you --

11 MR. WESTON: Yes, I was appointed actually about this
12 time last year. In fact, we're waiting on the appointment of my
13 successor.

14 CHAIRMAN LOCKYER: Have they already got someone?

15 MR. WESTON: They're down to three finalists, and the
16 Governor's appointments secretary has already interviewed them,
17 and we're waiting for word.

18 CHAIRMAN LOCKYER: What are you going to do next
19 year?

20 MR. WESTON: Well, right now it looks like I'll
21 either attend USC or UCLA, remain in Southern California, study
22 political science, and probably go onto law school. Hopefully,
23 I would like to work in the State Legislature one day.

24 SENATOR LEWIS: USC is your first choice, right?

25 MR. WESTON: Actually, I'm touring both campuses this
26 week, so my decision will be very soon.

27 SENATOR PETRIS: Where is your high school?

28 MR. WESTON: My high school is in Riverside County.

1 SENATOR PETRIS: Which city?

2 MR. WESTON: Lake Elsinore. Actually, it's not
3 within the city limits. It's right outside of the city limits,
4 but it's in Lake Elsinore Unified School District.

5 CHAIRMAN LOCKYER: Anyone present who wants to
6 comment?

7 Any questions from Members? Senator Ayala.

8 SENATOR AYALA: I'd like to ask the gentleman here,
9 what do you think should be the state's policy on educating
10 undocumented immigrant children?

11 MR. WESTON: Well, as a member of the State Board of
12 Education, I took an oath, and that oath was to uphold and
13 defend the Constitution of the State of California and the
14 Constitution of the United States.

15 As it is right now, it's unconstitutional not to
16 educate those children. Therefore, as a member of the State
17 Board, I feel that it is our responsibility until that policy
18 changes, and when it does, I will uphold and defend that. But
19 until that policy changes, I believe we should.

20 SENATOR AYALA: The Constitution requires that anyone
21 born in this country be treated like a full-time citizen, even
22 though their parents may be illegal, so they're entitled to an
23 education. Is that your position?

24 MR. WESTON: Personally, my position may differ.

25 SENATOR AYALA: Your position is different than what?

26 MR. WESTON: Than the position that I will uphold and
27 defend as a sworn member of the State Board.

28 SENATOR AYALA: That question would come up at your

1 meetings sometime. Would it not be on your agenda, the idea of
2 educating our citizens with illegal parents?

3 MR. WESTON: We've actually already dealt with the
4 issue. In fact, what we did, because it was not in the
5 Constitution, we took no position simply because we do what the
6 Constitution tells us to. And so, we waited.

7 We're still waiting. We'll be waiting for quite a
8 long time as it goes through litigation. But as of right now, I
9 believe we must, as the Supreme Court has told us to.

10 SENATOR AYALA: Thank you.

11 MR. WESTON: Sure.

12 CHAIRMAN LOCKYER: Other questions?

13 Any particular issue been the most difficult for you
14 during your tenure on the Board?

15 MR. WESTON: Well, as far as the most difficult goes,
16 as far as the most controversial was our textbook adoption of
17 this year, in which we adopted mathematics textbooks for grades
18 K-8.

19 We had some -- we had opposition on both sides just
20 because of the way that the procedures went and things. There
21 was some controversy and hearsay that turned into different
22 things. We kind of got lobbied from all sides, from different
23 textbook companies, that sort of thing. That was probably the
24 most controversial.

25 But I believe the most pertinent would be the things
26 we're dealing with now. We're attempting to -- right now, the
27 State Board of Education is in a very good position. I think
28 the whole Department of Education is in a very good position,

1 because right now, the Board's goals, and the Superintendent's
2 goals, and the goals of the Legislature seem -- and the Governor
3 -- all seem to be pointed in the same direction.

4 I think a lot of progress will -- well, the next few
5 years will determine whether or not we can make a lot of
6 progress. I feel the key goals right now are accountability,
7 assessment, infrastructure, trying to deal with the facilities
8 crunch. I think these are the things that we're going to have
9 to deal with in the coming years.

10 CHAIRMAN LOCKYER: That are essentially practical and
11 nonideological matters.

12 MR. WESTON: In my view, we must deal with the
13 practical before we can change anything ideologically.

14 CHAIRMAN LOCKYER: You were on the local board for
15 three years?

16 MR. WESTON: Three years.

17 CHAIRMAN LOCKYER: Any particular controversy of note
18 during those years?

19 MR. WESTON: Actually, I come from a very good
20 district. Our school board, and our assistant superintendents,
21 and our superintendent is just incredible. The way that they
22 handle issues and everything, we really haven't had that much
23 controversy.

24 In fact, the only issue I can remember that was
25 somewhat controversial was my sophomore year, we had a problem
26 with some of the revisions we had to make in our budget. And
27 what ended up happening was, we cut back on busing. We revised
28 some routes, extended the walking distance, and did some of

1 those kind of things.

2 I conducted student surveys, and I said basically,
3 "You have two choices. Either we up the walking distance or we
4 charge for busing." And I presented that to the students in my
5 district, and the students opted for the increased walking
6 distance. And so, I presented that to the board.

7 Well, after the board went ahead and increased the
8 walking distance, some different parents in the communities and
9 things realized that maybe this wasn't such a good idea. And
10 they came down, and there was a lot of heated testimony for a
11 couple months, but ultimately it died down. And the district
12 worked out things with some of the parents that were in special
13 needs cases, and everything worked out very well.

14 CHAIRMAN LOCKYER: What's the pleasure of the
15 Committee?

16 SENATOR BEVERLY: Move we recommend confirmation.

17 CHAIRMAN LOCKYER: All right.

18 May I substitute the previous unanimous roll?
19 That'll be the order.

20 [Thereupon the previous roll
21 was substituted, and the
22 confirmation was recommended
23 with the vote of 5-0.]

24 CHAIRMAN LOCKYER: Thank you and good luck.

25 MR. WESTON: Thank you, sir.

26 [Thereupon this portion of the
27 Senate Rules Committee hearing
28 was terminated at approximately
2:27 P.M.]

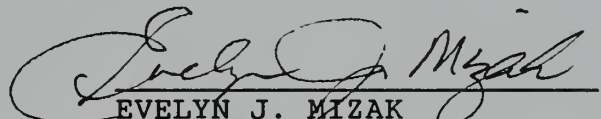
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MEMBERS ABSENT

SENATOR RUBEN AYALA

SENATOR NICHOLAS PETRIS

STAFF PRESENT

GREG SCHMIDT, Executive Officer

PAT WEBB, Committee Secretary

RICK ROLLENS, Consultant on Bill Referrals

NANCY MICHEL, Consultant on Governor's Appointments

ALSO PRESENT

DAVID M. CAFFREY, Member
Public Employment Relations Board

INDEX

	<u>Page</u>
Proceedings	1
<u>Governor's Appointees:</u>	
DAVID M. CAFFREY, Member Public Employment Relations Board	1
Background and Experience	1
Questions by CHAIRMAN LOCKYER re:	
Any Recommendations for Improvement	1
Any Changes Needed in Substantive Labor Law	2
Hayward Teachers' Strike and Reason PERB Requested Restraining Order from Local Judge	3
Motion to Confirm	4
Committee Action	4
Termination of Proceedings	5
Certificate of Reporter	6

P-R-O-C-E-E-D-I-N-G-S

--oo0oo--

CHAIRMAN LOCKYER: We will now go to David Caffrey for PERB. Good afternoon, sir. Sorry you had to wait so long. We finally wrapped up our floor session.

MR. CAFFREY: That's what I understood.

CHAIRMAN LOCKYER: Did you wish to begin with any opening comment?

MR. CAFFREY: Perhaps very briefly, I'd like to say that I have more than 23 years of state service. I've worked in a variety of administrative and policy areas, including the labor relations area.

For the last three-plus years, I've been a member of the Public Employment Relations Board, which is the Board I've been reappointed to. In that time, I've participated in and/or authored approximately 200 formal Board decisions, and I think that those decisions and my performance as a member of the Board to date are the best indicators that I can give you of my ability to perform as a member of this Board.

CHAIRMAN LOCKYER: Would you have any recommendations for improvement in Board processes that we ought to know as Legislators?

MR. CAFFREY: Before I joined the Board, about five or six years ago, it's my understanding they had a staff of about 112 at the maximum point. Our current staff is under 50.

I'm not complaining about that. I think that we have -- it's kind of necessity being the mother of invention. We have streamlined our processes just about as much as I think

1 they can be. We're still getting a relatively constant workload
2 of unfair practice charges, but we're handling them in just as
3 timely a fashion, and in some cases a little more timely
4 fashion, than we did five or six years ago.

5 So, I think it's just -- you know, we're constantly
6 reviewing what we're doing, and the fiscal realities make that
7 essential that we continued to do that.

8 CHAIRMAN LOCKYER: Have you noticed, as you've had to
9 apply substantive law to the disputes that come before you, a
10 lack of clarity or a need for any changes that you would
11 recommend in the substantive labor law?

12 MR. CAFFREY: Well, we have -- there is -- we have
13 three basic statutes that we administer. One is the Educational
14 Employment Relations Act, which is the K through community
15 colleges. Then we have the Ralph C. Dills Act which is for
16 state employees. Then we have the Higher Education Employment
17 Relations Act.

18 That one is a little unique. The other two for
19 school and state employees are fairly consistent. The HEERA, as
20 we call it, has a few unique qualities to it. That's not
21 necessarily bad in any way, but we do try to, in the interests
22 of economy and efficiency, standardize our operations. So,
23 periodically we suggest some amendments to that statute, or by
24 adoption of rule by our Board, which we have the authority to do
25 under the Acts, we bring it more into conformity with the
26 processes that we use in administering the other two laws.

27 But in very -- in broad terms, they are kind of the
28 classic collective bargaining statutes, certainly for public

1 sector; very similar also to the Myers, Millius, Brown Act which
2 governs local employees. And so, we have a good deal of
3 consistency in place already.

4 CHAIRMAN LOCKYER: That sounds to me like saying
5 basically no, that --

6 MR. CAFFREY: I don't think we would make any --

7 CHAIRMAN LOCKYER: -- you're not urging any major
8 change.

9 MR. CAFFREY: That's correct.

10 CHAIRMAN LOCKYER: There was a matter that came
11 before the Board last year in my district, the Hayward teachers'
12 strike.

13 MR. CAFFREY: Yes, I was a member of that panel.

14 CHAIRMAN LOCKYER: Could you help me understand what
15 the legal basis for PERB suggesting a restraining order to the
16 local judge?

17 MR. CAFFREY: Our law indicates that a strike action,
18 or an action by the employer to implement terms and conditions
19 of employment, cannot take place before the statutory bargaining
20 process has been completed.

21 In the case of the Hayward situation, the majority of
22 the Board believed that the bargaining process was still under
23 way, but it had been a very long and protracted one with many
24 frustrations. And so, the Teachers' Union called the strike at
25 the beginning of the school year.

26 CHAIRMAN LOCKYER: And that's what was contrary to
27 that law.

28 MR. CAFFREY: That is basically the issue. We went

1 into court, and the judge agreed.

2 It's similar to the baseball strike situation, only
3 in that case, the NLRB determined that the employer tried to
4 implement terms and conditions of employment without completing
5 the good faith bargaining process. You can't do that.

6 CHAIRMAN LOCKYER: I understand.

7 Well, our file does not reflect any opposition to
8 your appointment, so for someone who's been there for three
9 years, you must have been careful.

10 SENATOR BEVERLY: Move we recommend confirmation.

11 MS. MICHEL: A CSEA representative stopped by just
12 before the hearing to let us know they supported.

13 CHAIRMAN LOCKYER: All right.

14 Other questions at all?

15 We have a motion by Senator Beverly to recommend
16 confirmation. Call the roll, if you will.

17 SECRETARY WEBB: Senator Ayala. Senator Lewis.

18 SENATOR LEWIS: Aye.

19 SECRETARY WEBB: Lewis Aye. Senator Petris. Senator
20 Beverly.

21 SENATOR BEVERLY: Aye.

22 SECRETARY WEBB: Beverly Aye. Senator Lockyer.

23 CHAIRMAN LOCKYER: Aye.

24 SECRETARY WEBB: Lockyer Aye. Three to zero.

25 CHAIRMAN LOCKYER: Why don't we leave it on call so
26 that Senator Ayala may vote if he wishes.

27 Congratulations. Keep up the good work.

28 MR. CAFFREY: Thank you very much, Mr. Chairman and

1 Senators.

2 [Thereupon this portion of the
3 Senate Rules Committee hearing
4 was terminated at approximately
5 4:00 P.M.]

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ALSO PRESENT

KATE L. SQUIRES, Member
Workers' Compensation Appeals Board

INDEX

	<u>Page</u>
Proceedings	1
<u>Governor's Appointees:</u>	
KATE L. SQUIRES, Member Workers' Compensation Appeals Board	1
Opening Statement	1
Questions by CHAIRMAN LOCKYER re:	
Hardest Decision to Date	1
Need for Statutory Changes	2
Apportionment Area	2
Motion to Confirm	3
Committee Action	3
Termination of Proceedings	4
Certificate of Reporter	5

P-R-O-C-E-E-D-I-N-G-S

--oo0oo--

CHAIRMAN LOCKYER: Next we'll move on to Ms. Squires.
If you'll join us.

It's not uncommon for someone to begin with any sort
of opening statement. If you'd wish to, please feel free to.

MS. SQUIRES: Well, good afternoon. Thank you for
the privilege of being here.

Happy Birthday.

It's been a privilege to serve as a Commissioner for
the Workers' Compensation Appeals Board, and to have an
opportunity to serve the people in that capacity, and bring to
the position a perspective of impartiality and compassion and
interest in serving the legislative intent of the workers'
compensation laws.

So, thank you for the chance of being here.

CHAIRMAN LOCKYER: Many of us are pleased that you
replaced the gentleman that was there before you, who had a
capacity for irrationality that even the Governor's Office had
to privately admit. Glad you're in the driver's seat.

What's been the hardest decision up to now? Any one
stand out in your mind as a difficult issue?

MS. SQUIRES: Not really. I think what I try and do
is read the codes and the cases, the Court of Appeal cases in
particular, and be able to apply the law as strictly as
possible. So, I don't know that anything that comes to mind.

Some of the issues are more complex, some of the
apportionment issues and the like.

1 CHAIRMAN LOCKYER: Any areas in which the law seemed
2 to need some refinements, clarification, that you've bumped into
3 so far?

4 MS. SQUIRES: I think probably in terms of areas, how
5 they turn out in practice, how you see people struggling with
6 some of them, maybe the apportionment area, 4663 and 4750
7 sometimes have some difficulties in how they translate.

8 CHAIRMAN LOCKYER: Is this mostly apportioning
9 between different employers?

10 MS. SQUIRES: No, no. This is apportioning between
11 pre-existing diseases, and aggravation of injuries, and
12 multiple, cumulative traumas and specific injuries.

13 CHAIRMAN LOCKYER: And job-caused.

14 Is that a statutory problem, or just the nature of
15 things?

16 MS. SQUIRES: I don't know that it's a statutory
17 problem. I think there may be confusion in the community as to
18 what exactly -- how this should work out, what language is
19 needed in medical reports and the like.

20 So again, in the short nine months that I've been
21 there, I'm just coming to understand more some of these
22 provisions.

23 CHAIRMAN LOCKYER: Let me inquire if there are
24 Members that have any questions they wish to pose?

25 This may be an easy one. We shouldn't let her get
26 away without some modest hazing.

27 [Laughter.]

28 CHAIRMAN LOCKYER: I don't have any, partly because I

1 read the materials, and I'm satisfied that you're a
2 conscientious and disciplined worker and trying to do a good
3 job.

4 MS. SQUIRES: Thank you.

5 CHAIRMAN LOCKYER: What's the pleasure of the
6 Committee?

7 SENATOR BEVERLY: Is there any opposition?

8 CHAIRMAN LOCKYER: There is none.

9 SENATOR BEVERLY: Move we recommend confirmation.

10 CHAIRMAN LOCKYER: Any last words? Do we need to
11 read you your rights before this final rite of passage here?
12 Are you sure you want this job?

13 MS. SQUIRES: I'm just grateful that I've had a
14 chance to serve in it. It's very interesting, and it's a good
15 group of people, and I'm excited to be there.

16 CHAIRMAN LOCKYER: Did you complete your theological
17 work?

18 MS. SQUIRES: Yes, I did.

19 CHAIRMAN LOCKYER: Maybe they need a little of that
20 there, too.

21 All right, call the roll, if you will.

22 SECRETARY WEBB: Senator Ayala.

23 SENATOR AYALA: Aye.

24 SECRETARY WEBB: Ayala Aye. Senator Lewis.

25 SENATOR LEWIS: Aye.

26 SECRETARY WEBB: Lewis Aye. Senator Petris. Senator
27 Beverly.

28 SENATOR BEVERLY: Aye.

1 SECRETARY WEBB: Beverly Aye. Senator Lockyer.

2 CHAIRMAN LOCKYER: Aye.

3 SECRETARY WEBB: Lockyer Aye. Four to zero.

4 CHAIRMAN LOCKYER: Good luck.

5 MS. SQUIRES: Thank you very much.

6 [Thereupon this portion of the
7 Senate Rules Committee hearing
8 was terminated at approximately
9 2:36 P.M.]

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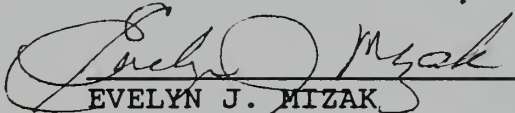
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DAVID S. LEE, Member
The Regents of the University of California

ALAN WONG, Vice Chair
University of California Student Association

MICHAEL K. MADDING, Warden
California State Prison, Avenal

INDEX

	<u>Page</u>
Proceedings	1
<u>Governor's Appointees:</u>	
DAVID S. LEE, Member The Regents of the University of California	1
Background and Experience	1
Questions by CHAIRMAN LOCKYER re:	
Most Difficult Decision	2
Questions by SENATOR AYALA re:	
Position on Raising Student Fees	3
Increased Salaries of Administrators	4
High Salaries for Professors	6
Questions by SENATOR LEWIS re:	
Expertise Qualifications	6
Number of Employees	7
Questions by CHAIRMAN LOCKYER re:	
Preparations for Increased Student Population in Future	8
Participation in U.C.'s Lobby Day in Sacramento	8
Affirmative Action Policies	9
Questions by SENATOR PETRIS re:	
Complaints about Affirmative Action with Respect to Admission	10
Current Status of Admissions	11
Questions by SENATOR AYALA re:	
Position on Senate Bill 48 (Lockyer)	12

INDEX (Continued)

Questions by CHAIRMAN LOCKYER re:

Location of New U.C. Campus 15

Questions by SENATOR PETRIS re:

Funding for Higher Education 16

Need for More Money 18

Witness in Support:

ALAN WONG, Vice Chair

University of California Student Association 20

Motion to Confirm 21

Committee Action 22

MICHAEL K. MADDING, Warden

California State Prison at Avenal 22

Background and Experience 23

Questions by CHAIRMAN LOCKYER re:

Ability to Handle Influx of New Inmates 24

Differences in Institutions 24

Current Emphasis of Level II Facility 25

Inmate Participation in Programs 25

Prison Industries 26

Waiting Lists for Programs 26

Training Programs 27

Most Difficult Issue in Past Year 28

Questions by SENATOR AYALA re:

Ideal Prison Population 29

Questions by CHAIRMAN LOCKYER re:

Median Length of Stay for Prisoners 30

Drug and Alcohol Programs in Institution 31

INDEX (Continued)

Motion to Confirm	31
Committee Action	32
Termination of Proceedings	32
Certificate of Reporter	33

P-R-O-C-E-E-D-I-N-G-S

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CHAIRMAN LOCKYER: The first appointee required to appear is Dr. David Lee.

Dr. Lee, if you would join us. Dr. Lee, sometimes appointees begin with a brief description of their business or community activities, why they enjoy the job, or whatever. If you wish to begin with any opening statements, please feel free to do so.

DR. LEE: Yes.

I'm an immigrant come to this country since 1956, and I was educated from mainland China, Taiwan, South America.

And through my careers, I find that education is most important thing to change a society or give a person opportunity to grow. And I have done -- this country has been very good to me. I have been working as an engineer and also started a few companies, and also I'm on the board of many companies, including even some schools.

The reason I'm involved with education is because, like I said, it's very important for the next generations and for the future of the country.

Therefore, I'm enjoying my job as a Regent because I believe that it's the most important thing for the State of California for the future.

CHAIRMAN LOCKYER: You were appointed last fall; I guess in September?

DR. LEE: Yes.

CHAIRMAN LOCKYER: So you've now had several months

1 of activities as a Regent.

2 DR. LEE: Yes.

3 CHAIRMAN LOCKYER: What's been the most difficult
4 decision you've had to face so far? Anything in particular?

5 DR. LEE: Yes. The issue is the quality of the
6 school.

7 I think it's that we have to protect that. We have
8 to protect it for the product is the student. And I think it's
9 very important for the universities.

10 And I think one of the issue's going to be the
11 budget, and the tuition issue, and I think that will be the most
12 important issue for the school.

13 CHAIRMAN LOCKYER: How about during the last eight
14 months, has there been a hot one yet that you've had to struggle
15 with?

16 DR. LEE: Well, it's like when you have an
17 organization like the U.C. system, with nine campuses, and three
18 labs, and school, medical school, you're going to have a lot of
19 issues.

20 And I think some of the issue's going to be what's
21 going to happen to the hospitals, and what's going to happen to
22 the research/teaching balance. I think those are the issues
23 that are going to be faced.

24 I do not believe that is a short-time issue. It's
25 going to a long-term issue for the years to come.

26 CHAIRMAN LOCKYER: I'd encourage Members to jump in
27 any time you have questions. Senator Ayala.

28 SENATOR AYALA: Since 1990, the fees for the students

1 have risen 134 percent. The Governor wants to raise them
2 another 10 percent this year.

3 What is your position on that?

4 DR. LEE: You see, I came over to this country with
5 \$600 in my pocket. I couldn't get into Berkeley because I
6 couldn't pay the out-of-state tuition fee. And I have to attend
7 a school in Montana because they don't charge me out-of-state
8 tuition fee.

9 So, I am very sympathy with the students on this
10 issue.

11 Same time, I believe that, you know, the state should
12 find money to help the student, because that is most important
13 product for the state, because eventually, they're going to be
14 the best taxpayer for the state.

15 And I believe that to get better efficiency, because
16 is a lot of American industry are downsizing to make it more
17 efficient, we have to find a way.

18 We also have to find a way to -- the issue of
19 increasing fees is not going to be a short-term issue; it's
20 going to be a long-term issue because the state find ourselves
21 that we do not have the continued supporting and also the
22 federal government is cutting down on that issue.

23 Therefore, I believe that in the long term, we have
24 to find different ways, and increased tuition is not the best
25 way, I believe.

26 And especially, I am person to believe that if a
27 student is qualified to attend a University of California, which
28 is the best institution in the United States, and that there

1 should be a way to provide the student to graduate. I would
2 like to see more of finding summer jobs. I would like to find
3 some way of helping the student so that they can get the best
4 education.

5 Increased tuition at that rate, I believe, is too
6 high because, if you look at industry, that we have increased
7 about -- salary increase about 3 to 5 percent. And for people
8 to support a 10 percent increase, I think, is very, very high.

9 SENATOR AYALA: You would not be sympathetic to that,
10 increasing the fees by 10 percent?

11 DR. LEE: That's correct.

12 SENATOR AYALA: It doesn't make sense to a lot of
13 people up and down the state that we are continuing to increase
14 the salaries of administrators, yet increase the fees of
15 students. It doesn't seem to jive at all.

16 DR. LEE: No, I believe those two are different
17 issues.

18 SENATOR AYALA: Not to the people up and down the
19 state. It may be different in the funding, but up and down the
20 state, people look at the administrators getting more than the
21 President does, yet the students have got to pay additional
22 fees.

23 They may not be the same, but out there the
24 perception is they're the same to the people out there.

25 DR. LEE: Sure.

26 I believe those two are a little bit different issue.
27 Let me just express my opinion on it.

28 We, the state, if we made a decision that this is the

1 best education we want to provide, we have to have, you know,
2 get the best product, which is the student, then we have to have
3 the tool to achieve that. So, we have to get the best teachers,
4 best professors, that we can afford.

5 Now, it is, you know, we are dealing with not a
6 California issue. We are dealing with a worldwide issue and
7 also state, in the United States, issue, is what is the other
8 people's salaries are.

9 If we want to get the bright, the best, we have to
10 pay whatever it is because one of the costs in California is
11 housing issue, you know. Therefore, we have to pay whatever is
12 necessary to get the best people. Now, that is after we get the
13 best people.

14 Now, relate to the cost, you have to make the same
15 more efficient and more -- today, you have to get more
16 competitive because we are very -- we are in a very competitive
17 environment. We have to get and make sure that is what we pay
18 for, is what we got, and also to find the ways to solve the
19 issue of financial issues.

20 SENATOR AYALA: You're absolutely correct. However,
21 we keep doing this because we're afraid to lose a professor at
22 Cal. because Baylor wants to pay more, or somewhere else. But
23 then we have the mid-management, so to speak, in terms of
24 professors who are coming up, that some day are going to be just
25 as good as the ones that have been taken off by other
26 universities.

27 So, we have to have confidence on those professors
28 who are not at the top level, but the coming up, young

1 professors.

2 DR. LEE: Yes.

3 SENATOR AYALA: I don't know when this competition
4 will stop, because every university wants the best, and so does
5 California and other universities.

6 So, there has to be some kind of a balancing or limit
7 to where we can no longer pay what we're paying. We can't pay
8 these professors more than the President of the United States
9 gets, you know, because they don't have that responsibility that
10 the President does. So, there's a limit as to how much we can
11 go with those things.

12 DR. LEE: Sure. It is a market-driven issue, and
13 also a training issue. We have to train our young professors --
14 I mean, students, then some of them will make the best
15 professors in our schools.

16 When you're able to achieve that goal, then you can
17 go out and find more people for giving jobs. And therefore, I
18 think the salary will be coming down.

19 But if you are the only few of them have this
20 capability, I think the cost will be higher.

21 SENATOR AYALA: On the other hand, if we keep raising
22 the fees of the students, there won't be enough students for
23 these high salaried professors to teach.

24 DR. LEE: I agree with that.

25 CHAIRMAN LOCKYER: Senator Lewis.

26 SENATOR LEWIS: Dr. Lee, what quality of expertise do
27 you think you bring to the Board of Regents?

28 DR. LEE: Being an engineer by training, and I have

1 working on the first electronic calculators, and I also working
2 on the first staging word printer, I have started many
3 companies.

4 And I believe that I have built companies which are
5 successful in the industry, able to compete in the worldwide
6 environment, especially with Japan, Taiwan, Korea, and mainland
7 China included.

8 Therefore, I believe that in California, especially
9 U.C., because we cannot move the schools because U.C. has to be
10 in California, with this condition, we have to make it more
11 efficient. We have to make it better, and I think with my
12 international experience, I believe that I can contribute to the
13 school.

14 SENATOR LEWIS: Are you presently an employer in
15 California?

16 DR. LEE: Yes.

17 CHAIRMAN LOCKYER: How many California employees do
18 you have?

19 DR. LEE: I'm associated with a few companies. I am
20 not a CEO of a company. I'm sitting on many boards.

21 If you ask all the boards to which I'm sitting on,
22 and I have more than 2,000 people.

23 CHAIRMAN LOCKYER: Other questions or comments?

24 We are told routinely, Dr. Lee, that maybe a decade
25 from now there's going to be this new explosion of students.
26 We'll all be gone, but you'll still be there if you're still
27 doing this sort of thing.

28 What thoughts do you have about preparing for that

1 expansion?

2 DR. LEE: First of all, to using our existing schools
3 as much as possible, because we do the structure, we do have the
4 overhead already. On top of that, I believe that we have some
5 -- you know, we have the best schools, and we have more space
6 available some campus.

7 And if we have necessary, we have to get another
8 campus, and we have to do everything possible to look at our
9 customer, which is the student, and then trying to serve them
10 the best for the state.

11 CHAIRMAN LOCKYER: There was a lobbying day last week
12 for UC. Were you participating in that by any chance?

13 DR. LEE: Yes, I was here.

14 CHAIRMAN LOCKYER: You were one of those?

15 DR. LEE: Yes.

16 CHAIRMAN LOCKYER: How would you characterize the
17 message that you were trying to deliver, and what kind of
18 reactions or responses did you hear?

19 DR. LEE: Yes.

20 I think the school, U.C., is a state institution. It
21 has to work with the Legislature, as communication, I believe,
22 is very important. So, people here knows what U.C. is doing,
23 and also any comments, I think, is very important so that --
24 because we are a state institution.

25 I believe that the time I was here, I think I had a
26 few good meetings to understand, to tell the Legislature what we
27 are doing. I believe it's a very positive, because I personally
28 believe that we should do more of it, instead of there's no

1 communication between here and the U.C. system.

2 And I would like to see that, you know, at least come
3 over here once or twice a year, and to just, if nothing else,
4 just to say hello, and to listen to the comments people has. I
5 think that is very important.

6 CHAIRMAN LOCKYER: Recently, there's been
7 considerable public discussion, partly promoted by Regent Ward
8 Connerly's raising the matter, of affirmative action policies.

9 DR. LEE: Yes.

10 CHAIRMAN LOCKYER: In the University.

11 What's your understanding of what's happening now
12 within the University, and what would be your own thoughts about
13 this general subject matter?

14 DR. LEE: As a minority, I came over there in '56.
15 And I know what a lot of people are going through, because I was
16 living in Berkeley, and I know some areas that we cannot even
17 buy a house back in the '50s -- I'm sorry, the early '60s.

18 And I understand the issue. I think this is what's
19 happening is, we have to examine the issue in school to see what
20 is working, what is not working. We should not make a step just
21 to eliminating or doing something. We should look at this
22 thing, what is working, what is not working. Then if it's
23 working, we should let it continue. If it's not working, we
24 should make changes because time has been changing.

25 I also believe this issue is a legislative issue, is
26 not a school issue, because I think it's happening to the whole
27 state. I don't think it's only dealing with the University.

28 I would, you know, separate those two issues, and I'm

1 hoping that the Legislature will make a decision for the state
2 instead of the school.

3 CHAIRMAN LOCKYER: Senator Petris.

4 SENATOR PETRIS: The problem is that we get
5 complaints directly in our offices and also various comments in
6 the press that the worst part of affirmative action is with
7 respect to admissions to our higher education system. They
8 claim, a lot of parents, that their children couldn't get in,
9 even though they had good grades, because some special treatment
10 was given to a person belonging to a particular minority group.

11 Have you had similar complaints, the Regents?

12 DR. LEE: Yes.

13 On the other hand, I believe that a school, if we
14 made the decision we wanted U.C. to be the best school in the
15 state and also in the nation, or worldwide, and then we have to
16 take a look of what is best for our product, which is the
17 student. And I believe that we have to examine the issue, then
18 decide what is best on it.

19 For example, you know, if you look at all the
20 basketball teams, there's no Asian in it. And if you look at
21 the football players, again, there's no Asian on it.

22 But we want to have the best, so whoever is the best
23 come up to be.

24 On the other hand, I guess --

25 SENATOR PETRIS: There may not be any Asians on those
26 teams, but for many, many years, the University kept a certain
27 number of slots open for athletes.

28 DR. LEE: Yes.

1 SENATOR PETRIS: Nobody complained about that. They
2 had some famous football player from Brooklyn High School who
3 was about to be recruited by every university in the country,
4 and U.C. recruited him because they wanted a good football
5 player. His grades weren't so hot. Nobody complained.

6 DR. LEE: Yes.

7 SENATOR PETRIS: But if we're recruiting a scientist
8 from Brooklyn High who happened to be in a minority, who's in
9 the same academic area, then there'd be complaints.

10 DR. LEE: Yes.

11 SENATOR PETRIS: That's been my experience.

12 DR. LEE: Yes.

13 SENATOR PETRIS: Then later, the same people who
14 complained about those kinds of preferences and said it should
15 be only on merit, they found a wave of people from minority
16 groups that were beating everybody else on merit, and they
17 started demanding quotas: You've got too many of this group,
18 too many of that group, and leaving out the other one.

19 So, they lost interest in merit, wanted to go back to
20 certain numbers.

21 What's the current status? Are they still doing
22 that?

23 DR. LEE: I don't -- I'm sorry, I do not have an
24 answer for you because I don't know all the issue on it,
25 Senator.

26 I attended all the meetings as much as I can, and I
27 really don't have an answer for you on that issue, you know. I
28 wish I know a little more to answer that.

1 SENATOR PETRIS: Following Senator Lockyer's question
2 on the reaction to Mr. Connerly's comments, I guess it's too
3 early for you to tell what actually the University Regents are
4 doing. They announced that they were going to study it and do
5 something.

6 DR. LEE: That's right. And I personally believe
7 that we should look at the -- examine the issue, and then take a
8 look at this thing to see what it is. Then we can go from
9 there.

10 But we have not -- I have not, at least, received
11 anything on that issue yet.

12 SENATOR PETRIS: I haven't seen any evidence that the
13 system's broken. Mr. Connerly, who raised the issue, as we
14 recently learned, got this classification for a special contract
15 as a member of a minority, something that he strongly opposed,
16 according to his statement to the Regents.

17 So, I would recommend to the Regents you just drop
18 that, forget about it.

19 DR. LEE: Thank you.

20 SENATOR PETRIS: Considering the source.

21 CHAIRMAN LOCKYER: Senator Ayala.

22 SENATOR AYALA: I have an additional question.

23 Are you familiar with the Chairman's Senate Bill 48,
24 which would limit the opportunities of high level employees at
25 U.C. from participating on the different corporate boards where
26 they make more than \$100,000 a year, some of them?

27 DR. LEE: Yes.

28 SENATOR AYALA: Yes what? What is your position on

1 that?

2 CHAIRMAN LOCKYER: You can say your opinion, and my
3 vote will be unaffected by your response.

4 [Laughter.]

5 SENATOR AYALA: What is your position on that?

6 DR. LEE: As a, you know, I think as -- you know, I
7 come from Silicon Valley in Santa Clara.

8 SENATOR AYALA: We won't hold it against you, but go
9 ahead.

10 DR. LEE: I also, as a person starting many
11 companies, and I believe that for the educators to be sitting on
12 boards is a positive thing, because they should understanding
13 what's happening outside of the academic world. And especially
14 for them to be involved with it.

15 Now, the question is rewarding the issue, and what is
16 fair, what is not fair.

17 I believe there's got to be some kind of incentive
18 for them to want to be on the board. And now, just how much
19 rewarding and how much time, that's the issue we should address.

20 If it's their, you know, personal time, or if this is
21 some time from the school, and I believe it's a positive thing,
22 because they are spending time -- by the way, I never worked 40
23 hours a week, you know. I working much longer hours.

24 SENATOR AYALA: I don't have a problem with members
25 of the Regents who've already been on boards when they become a
26 Regent.

27 But to be using that position on the Board of Regents
28 to be on a corporate board, it's a little bit different. I

1 don't think you should allow that.

2 DR. LEE: Senator, I believe that this is -- if a
3 person who do not associate with industry, I believe is a loss
4 for the school because they should be associated with companies,
5 what is happening outside.

6 Now, what is the rewarding issue, that should be
7 examined on that. And I don't know today how much should the
8 right amount, and what time. We should -- as a Regent, we
9 should look at those people to see how much should be. Some of
10 them, maybe, should pay back if they take the time, pay back to
11 the school.

12 They are -- you know, I am involved with some
13 debenture company. A lot of people sitting on boards, you know.
14 There is a certain guide rule, certain amount has to give back
15 to the partnership.

16 SENATOR AYALA: You had that position before you
17 became a Regent.

18 DR. LEE: Yes.

19 SENATOR AYALA: I have no problem with that.

20 But once you become a Regent, because you are a
21 Regent you get onto these commissions, I see that a little bit
22 different.

23 DR. LEE: There is some difference. There's no
24 question about it.

25 This is why being a Regent would give you a higher
26 position than if you do not have this position.

27 That's why I'm here. I would like to be a member.

28 So, we have to examine that issue to find out what is

1 right amount, what is fair. I think that, you can really able
2 to get that.

3 SENATOR AYALA: Thank you.

4 CHAIRMAN LOCKYER: Let me just insert on this topic
5 that this is an area in which we're often urged to try to run
6 government more like a business. And while there are some basic
7 differences, this is an area in which it makes sense to me.

8 Usually, and I don't know what your own corporations
9 would have done, but I think you mentioned this, Dr. Lee, that
10 usually if one board is loaning an officer to another
11 corporation, payments would go back to the corporation, not to
12 the individual, absent some understanding between the two that
13 they get to share it, or split it, or keep it.

14 And that's all I've recommended for people like the
15 President of U.C., but the current policy allows 52 days, which
16 is one day a week, for the President of U.C. to be away from
17 work, doing supplementary matters. And currently, he's on 12
18 boards for 10 grand each, so 120,000 extra a year.

19 I don't want to prolong the debate on this topic, but
20 just think that's utterly unconscionable and we need to correct
21 it.

22 New campus, Merced or Madera? Do you have a
23 preference?

24 DR. LEE: No. It's not I'm trying to back from it.
25 Has not -- I've received a lot of postcards, and I think some
26 meeting they will present both side of this location. By then,
27 we will make the right choice.

28 Right now, I don't have enough information to say

1 which one is the best, I really don't.

2 CHAIRMAN LOCKYER: You'll find the better deal is
3 Merced, but I'm not involved.

4 [Laughter.]

5 CHAIRMAN LOCKYER: Senator Petris.

6 SENATOR PETRIS: I'd like to get your views on
7 funding for higher education in general, all three branches, but
8 particularly UC. I have some legislation on that.

9 I'm sorry I wasn't here earlier. I had to go to
10 another committee, but I understand you have expressed yourself
11 as wanting to be very helpful to students.

12 I've been concerned about the very big increases in
13 student fees, which I call a tax on the students and their
14 families. And I have legislation to reduce those fees and
15 backfill the loss to the higher ed. system through our income
16 tax provisions.

17 Over the last 15 years, we've had this unholy
18 competition for limited funds between the prisons and higher
19 education. And the facts appear to show very clearly that --

20 CHAIRMAN LOCKYER: The prisons won.

21 SENATOR PETRIS: Yes, exactly. The facts appear to
22 show that the prisons won, and that in another, I think, three
23 years, we're going to have more people in our state prison than
24 we have students in all nine U.C. campuses combined. And it's
25 getting worse.

26 And all this took place before Three Strikes passed.
27 Now with Three Strikes, the projections make it even worse,
28 according to the Rand report. I suppose you're familiar with

1 it, that study that projects that the impact of Three Strikes in
2 this fight between prisons and higher ed., that in about seven
3 years, there won't be any money left at all for our public
4 education system.

5 Now, I've been looking for ways, and several of our
6 Legislators are concerned, since we have that projection, we
7 can't just sleep on it and hope it doesn't happen. And we
8 shouldn't wait until the year 2002 for the people to say to us,
9 "Well, there's no more money for higher ed. You've known it for
10 the last seven years. Why didn't you do something about it?"

11 So, I'm asking you, as a Regent, do you have any
12 proposals? Do you plan to talk to the Governor, for example,
13 and exchange views with the Governor, maybe offer a plan, either
14 individually or maybe as a group, the Regents, to see to it that
15 we have adequate funding for our higher ed. system, to prevent
16 what is being predicted from happening? Can you help us out on
17 that?

18 DR. LEE: Before -- I'm repeating myself, because I
19 came over here with very little limited funds, come to the
20 United States. Therefore, I have a -- I couldn't attend U.C.
21 Berkeley because I did not have the money.

22 SENATOR PETRIS: I understand you went to Montana.

23 DR. LEE: Yes, that's right.

24 And I have been working with the President's Office
25 to find different ways and solve this issue. I have made two
26 proposals to them, and I'm thinking of -- because this is one,
27 being an entrepreneur, I believe I don't take no for an answer.
28 So, I've been working with them to see is there -- what other

1 solutions that can happen to solve this issue.

2 And they are examining. I went there two trips to
3 give them my idea. I'm trying to find a way to work with them.

4 SENATOR PETRIS: Two trips to where?

5 DR. LEE: To Oakland and to the President's Office,
6 trying to work with them.

7 SENATOR PETRIS: That's in my district, by the way,
8 the President's Office. That's one of the reasons I'm
9 concerned.

10 So, are you doing this on a continuing basis?

11 DR. LEE: Yes. I don't have a solution yet, and they
12 are examining the possibilities on it.

13 You see, I support myself when I went to school, and
14 so, I work very hard. But that's why I wanted to find a way so
15 that the students can support himself and able, if they are
16 qualified, to get -- they can get the best education in the
17 state.

18 SENATOR PETRIS: Doesn't it boil down to a matter of
19 money? There's just not enough money. Why can't we get more
20 money?

21 DR. LEE: You know, you have to get -- it's more,
22 many things. It's not one issue, because I don't think if we
23 solve money this year, next year we will not have money. I
24 think it's a long-term issue.

25 I'm trying to work with them to see if there's a way
26 so that -- to solve this issue long-term. And I don't have a
27 -- today, I don't have a miracle that says we don't have this
28 problem.

1 You know, I think it's going to take a lot of work,
2 and cooperation, and everyone concerned to work out this issue.

3 SENATOR PETRIS: Well, I'm pleased that you're
4 working on it. It seems that with the experience you've had in
5 the private sector, you could give us a lot of help.

6 The University, I think, up to now, has done a
7 magnificent job in hanging on to its students. They haven't had
8 to do what Cal. State did, for example, and eliminate 12,000
9 courses. That was only two or three years ago.

10 They've delivered all the courses. They've kept all
11 the students, and they graduated in the expected period of time.
12 I think that's a remarkable adjustment that the University made
13 internally by cutting where ever they could without destroying
14 programs.

15 But it can't be done just internally in the
16 University. We have to do something, too.

17 DR. LEE: Yes.

18 SENATOR PETRIS: I would like to see you continue
19 that study and tell us what else. Like you said, the problem
20 has to be solved here.

21 Nobody likes to go out on the trail in the district
22 and carry a banner that says, "I want more taxes," but we might
23 have to do that. We shouldn't be so afraid of it.

24 So, if your studies show that among all the other
25 things that need to be done, that we also need a little more
26 money by way of taxes, I hope you won't be afraid as a business
27 person to say that, and feel you're going to be ostracized by
28 all your fellow business people. When it's appropriate, I think

1 the business community needs to say it, because it helps creates
2 a climate up here that makes it more acceptable.

3 DR. LEE: Yes.

4 SENATOR PETRIS: Thank you.

5 CHAIRMAN LOCKYER: If a solution were easy, one of us
6 probably would have suggested it. So, we understand that it's
7 not easy, but whether it's efficiencies, productivity, or
8 whatever, we're hopeful that you'll have the requisite
9 background to help in a constructive way.

10 Are there people present who would wish to comment at
11 all, either for or against?

12 MR. WONG: Good afternoon. I'm Alan Wong. I'm
13 currently a student at U.C. Davis, and I'm serving as the Vice
14 Chair for the University of California Student Association.

15 Today I'm speaking in support of the confirmation of
16 Mr. David Lee's appointment to the Board of Regents.

17 Over this last year, Regent Lee has shown his genuine
18 concern on the rising costs of higher education on numerous
19 occasions. In January, he met with students to hear about the
20 effect of the increases on their education. This meeting
21 included student groups from all over the U.C. systems. He
22 showed his willingness to listen to students and his
23 understanding of student issues.

24 Recently, he also joined a group of Regents to lobby
25 in Sacramento for the 38 million augmentation of the U.C.
26 budget, which would enable U.C. to avoid a general fee increase.
27 We deeply appreciate his effort to ensure affordable higher
28 education.

1 Regent Lee has also demonstrated his commitment to
2 overseeing the University's practice in capital expenditures.
3 During the January Regents' meeting, he questioned the necessity
4 of some of the capital spending on medical centers.

5 We believe that this kind of commitment and
6 willingness to question proposal is exactly what the state
7 needs.

8 Recently, the University has been facing very
9 difficult problems. It can continue to provide the highest
10 quality education to California's citizens only if it has a
11 governing board which is committing -- which has committed to
12 serve the public and care about education.

13 We believe Mr. Lee has demonstrated his commitment,
14 ability, and caring over this last year, and we'll be happy to
15 see him to continue his service on the Board of Regents.

16 Thank you.

17 CHAIRMAN LOCKYER: Thank you.

18 Are there questions? I guess not. Thank you very
19 much.

20 Is there anyone else present that would wish to make
21 any comment? Further questions from Members?

22 SENATOR BEVERLY: Move we recommend confirmation.

23 SENATOR AYALA: I was going to suggest, Mr. Lee, if
24 you folks are in a bind about finding a location in the San
25 Joaquin Valley, I know good place in Southern Cal. where we've
26 got five prisons. We'll welcome a college campus: the Chino
27 Valley.

28 DR. LEE: Thank you.

1 CHAIRMAN LOCKYER: All right, Senator Beverly has
2 made a motion. Let's call the roll.

3 SECRETARY WEBB: Senator Ayala.

4 SENATOR AYALA: Aye.

5 SECRETARY WEBB: Ayala Aye. Senator Lewis.

6 SENATOR LEWIS: Aye.

7 SECRETARY WEBB: Lewis Aye. Senator Petris.

8 SENATOR PETRIS: Aye.

9 SECRETARY WEBB: Petris Aye. Senator Beverly.

10 SENATOR BEVERLY: Aye.

11 SECRETARY WEBB: Beverly Aye. Senator Lockyer.

12 CHAIRMAN LOCKYER: Aye.

13 SECRETARY WEBB: Lockyer Aye. Five to zero.

14 CHAIRMAN LOCKYER: Congratulations, good luck, and
15 keep up the good work.

16 DR. LEE: Thank you very much.

17 SENATOR PETRIS: Montana's a great state, but I'm
18 glad you decided to come back.

19 DR. LEE: Thank you.

20 CHAIRMAN LOCKYER: All right, Warden Madding is the
21 next appointee for our consideration.

22 Mr. Madding, do you want to come on up. Good
23 afternoon.

24 MR. MADDING: Good afternoon.

25 CHAIRMAN LOCKYER: Did you wish, sir, to begin with
26 any kind of opening comment? I notice you have a piece of paper
27 there.

28 MR. MADDING: Yes, I would. It's a small piece of

1 paper.

2 CHAIRMAN LOCKYER: All right.

3 MR. MADDING: I'd just like to tell the Committee
4 that I'm presently the Warden at Avenal State Prison. I've been
5 serving in that capacity for one year appointed, and six months
6 prior to that.

7 My experience in the Department of Corrections, I
8 think, is broad and varied. I have 29½ years of experience in
9 the Department of Corrections. I started in Tehachapi as a
10 correctional officer and was able to promote through the ranks
11 to Sierra Conservation Center at Jamestown, over to South CC in
12 Chino. I went out to serve as a parole agent in Los Angeles
13 County. From there, I went back to Tehachapi for another
14 experience, and then on to San Quentin where I worked in the
15 adjustment center and on condemned row for a period of time.

16 From there, I went back to Southern California, to
17 the California Rehabilitation Center at Norco, over to
18 California Institution for Men at Chino, on to the California
19 Men's Colony at San Luis Obispo, and finally to Avenal, where I
20 served as Chief Deputy Warden prior to my appointment to Warden.

21 I think that wide scope of experience has prepared me
22 well to be a warden in the institution. I've had a
23 distinguished career.

24 I feel that the safety and security of a facility is
25 my paramount job, and I'm responsible for 1186 staff members at
26 Avenal and 5600 inmates.

27 I basically believe that a combination of locks,
28 fences, and voices control prisons. If you treat staff with

1 dignity and respect, that trickles down and you manage.

2 CHAIRMAN LOCKYER: I noticed it said you wanted to
3 show that wardens can smile and still take care of necessary
4 business.

5 MR. MADDING: It's hard to smile from here.

6 [Laughter.]

7 MR. MADDING: I'm doing my best, Senator.

8 CHAIRMAN LOCKYER: Let me ask if there are any
9 questions first.

10 This has been on line now for several years, hasn't
11 it?

12 MR. MADDING: Yes, it has.

13 CHAIRMAN LOCKYER: You're going to get a bunch of the
14 new inmates; that is, the emergency beds.

15 MR. MADDING: That's correct.

16 CHAIRMAN LOCKYER: Can you handle those?

17 MR. MADDING: Yes, we can.

18 CHAIRMAN LOCKYER: You've worked in six or seven
19 different institutions.

20 MR. MADDING: Seven; one twice.

21 CHAIRMAN LOCKYER: Are they all different?

22 MR. MADDING: Yes, they are.

23 CHAIRMAN LOCKYER: How would you account for the
24 differences?

25 MR. MADDING: Well, each one has a little different
26 mission. Some like preparing inmates to go out to camp.
27 There's physical fitness, getting ready to actually fight fire,
28 to work in the wildlands of the state.

1 Some of the facilities are vocational and educational
2 mission missions. Others are hard security, just to keep those
3 people away from the citizens of California until a law lets
4 them back out.

5 CHAIRMAN LOCKYER: What's your sense of your current
6 emphasis among those choices?

7 MR. MADDING: Well, first of all, we have to -- you
8 know, I think every prison's main mission is the safety and
9 security of the citizenry of the State of California. That's
10 just keep these convicted felons away from that citizenry for
11 the term prescribed by law. That's the main thing we have to
12 do.

13 CHAIRMAN LOCKYER: As a Level II facility, as I
14 recall --

15 MR. MADDING: Yes, it is. It's a Level II.

16 CHAIRMAN LOCKYER: How does it fit into those tasks
17 that you enumerated of work, or rehabilitation, vocational?

18 MR. MADDING: We're a Level II facility; that's
19 considered a program institution. We have a high degree of
20 education, vocation, and work programs.

21 CHAIRMAN LOCKYER: How many inmates participate ;in
22 those?

23 MR. MADDING: Participate in --

24 CHAIRMAN LOCKYER: In any of those programs?

25 MR. MADDING: We have 960 today involved in education
26 and vocational; 504 in prison industries work programs.

27 CHAIRMAN LOCKYER: Is that different?

28 MR. MADDING: That is different, yes.

1 CHAIRMAN LOCKYER: What are they doing? What are
2 they making in prison industries?

3 MR. MADDING: In industries, we produce eggs, produce
4 poultry. We produce wood furniture. We produce a lot metal
5 fabrication such as lockers for state colleges, cabinetry for
6 hospitals, such as that. We also have -- the prison industry
7 does the laundry.

8 CHAIRMAN LOCKYER: For your own institution?

9 MR. MADDING: For the institution.

10 CHAIRMAN LOCKYER: Is that true with the eggs and
11 poultry as well?

12 MR. MADDING: The eggs and the poultry are sold
13 through the prison industries, and they go throughout the state.

14 CHAIRMAN LOCKYER: What kind of customers? Who are
15 your customers?

16 MR. MADDING: Well, we have all of the prisons
17 throughout the Department of Corrections, and other nonprofit
18 making organizations can purchase.

19 CHAIRMAN LOCKYER: And some of them do?

20 MR. MADDING: Some do, yes.

21 CHAIRMAN LOCKYER: Is there a waiting list for
22 various vocational and training opportunities?

23 MR. MADDING: Yes, there is. We maintain waiting
24 lists.

25 CHAIRMAN LOCKYER: How long is that?

26 MR. MADDING: Some -- they vary. Sometimes just by
27 the clientele and how fast our inmates turn over, because we are
28 a Level II, our inmates do turn over quite fast.

1 Some of the waiting lists are up to 20, but most of
2 them are less than that.

3 CHAIRMAN LOCKYER: Twenty people?

4 MR. MADDING: Twenty inmates.

5 CHAIRMAN LOCKYER: That's not bad at all.

6 MR. MADDING: We classify actively and try to move
7 people into work and training assignments quickly.

8 CHAIRMAN LOCKYER: What would be training, separate
9 from the things you mentioned that were, I guess, more on the
10 work side, the prison industries?

11 MR. MADDING: Prison industries is work. It's also
12 training because of the discipline.

13 CHAIRMAN LOCKYER: What do you do that's training
14 specifically?

15 MR. MADDING: In training, we do education from adult
16 basic education to GED. And we also have 18 vocations, which
17 scan: carpentry, plumbing, upholstery, small engine repair,
18 auto engine repair, auto body repair. I don't have my list with
19 me.

20 CHAIRMAN LOCKYER: Your memory's doing okay.

21 Is there any training area that you would think would
22 be successful, there'd be an interest in, that would help people
23 acquire job skills that you're not allowed to currently offer?
24 If you had a wish list, is there --

25 MR. MADDING: I think one of the areas that we have
26 done some training is in computers, computer programming and
27 work on the computer. So, I think that's excellent.

28 No, I really don't. I think that we have, you know,

1 when we work up potentials through the community as far as how
2 we can train inmates, I think we have -- we have a good vehicle
3 to get that to the Director and get programs modified, because
4 there is an evolution in programs. I think we're doing well.

5 CHAIRMAN LOCKYER: Any problem in the last year, or
6 what would you regard as maybe the most difficult issue that
7 you've faced in the last year?

8 MR. MADDING: Probably the most difficult issue we
9 faced in the last year was a simple drink of water. During the
10 floods, the City of Avenal, the water source was interrupted,
11 and all of a sudden we had 5600 inmates and a large contingency
12 of staff who, because of roads being closed and inaccessibility,
13 were basically trapped at work.

14 It was an interesting logistical problem to provide
15 water for our staff and inmates. We were also able to assist
16 the city. We brought in water, and we actually issued styrofoam
17 cups, much like the one I have here, so there would be an equal
18 share to the inmates as we progressed.

19 CHAIRMAN LOCKYER: Did you truck it in?

20 MR. MADDING: We trucked it in.

21 CHAIRMAN LOCKYER: How long did it shut down?

22 MR. MADDING: We were on water rationing for ten
23 days. The water was restored quicker, but because of the
24 chemicals and the wash that had occurred by the enormous amount
25 of water that came down, the potability of the water -- it took
26 a while for the chemicals to settle down.

27 The City of Avenal worked extremely close with us,
28 and we with them. It was probably -- it was a major problem we

1 faced.

2 CHAIRMAN LOCKYER: Other questions? Senator Ayala.

3 SENATOR AYALA: Mr. Madding, when was Avenal, when
4 did they open the doors there? How old is the prison?

5 MR. MADDING: It is eight years old.

6 SENATOR AYALA: The prison was designed for 3,034
7 inmates.

8 MR. MADDING: That's correct.

9 SENATOR AYALA: Now you have 5500-plus there now.

10 MR. MADDING: Yes.

11 SENATOR AYALA: It's a low-medium security
12 institution.

13 MR. MADDING: Yes, it is.

14 SENATOR AYALA: What do you consider ideal
15 population, prison population, for the prison, under ideal
16 conditions?

17 MR. MADDING: Well, ideal --

18 CHAIRMAN LOCKYER: Empty.

19 [Laughter.]

20 MR. MADDING: Ideally, it'd be empty.

21 It's hard to say what an ideal population is because
22 we're trained to deal with these problems, and deal with the
23 inmates as they come.

24 SENATOR AYALA: It depends on the type of inmates you
25 have housed there? The lower or minimum security people, you
26 can probably have more of those than you would the Class IV type
27 of inmates.

28 MR. MADDING: Absolutely, yes, sir.

1 SENATOR AYALA: That determines what would be the
2 ideal population.

3 It wasn't Three Strikes, You're Out deal that filled
4 your prison in a hurry. In eight years now, it's almost twice
5 the population of what it was designed for.

6 MR. MADDING: That's correct.

7 SENATOR AYALA: Jim, you're not building them fast
8 enough, I guess, the prisons to keep the population down.

9 MR. GOMEZ [FROM THE AUDIENCE]: As you appropriate
10 them, we'll build them.

11 [Laughter.]

12 SENATOR AYALA: Sorry I asked the question.

13 That's all I have.

14 CHAIRMAN LOCKYER: What's the median length of stay?

15 MR. MADDING: Right now, about 23 months.

16 CHAIRMAN LOCKYER: How many would you estimate are
17 less than three or four months?

18 MR. MADDING: How many, normally about -- for
19 three-months' period, I would have to look at about 800.

20 CHAIRMAN LOCKYER: That are on --

21 MR. MADDING: That are on the short end.

22 CHAIRMAN LOCKYER: Are there people who would wish to
23 comment?

24 I guess maybe the appropriate way or best way would
25 be to ask, since I think we're ready to move along, if there's
26 any opposition? If not, we can probably defer people saying
27 wonderful things about him; it'll just give him a fat head.

28 [Laughter.]

1 CHAIRMAN LOCKYER: Your presence is testimony to your
2 commitment and interest and friendship.

3 If I had a day off, I think I'd do something other
4 than go to Sacramento, I'll tell you.

5 Senator Lewis requested we put it on call.

6 Did you want to conclude in any way? Anything that
7 you heard or wanted to clarify or answer, or anything?

8 MR. MADDING: No, sir. I'm fine, thank you.

9 CHAIRMAN LOCKYER: May I should have asked about
10 trying to do something about drug or alcohol problems among
11 convicts.

12 Any thoughts about that, what you're doing, or how
13 effective you may or may not be?

14 MR. MADDING: We have an AA program, which I think is
15 an effective program. We have an NA program.

16 CHAIRMAN LOCKYER: How many people participate in
17 that?

18 MR. MADDING: That also varies because of the
19 transitory nature of the population. The last time I checked
20 it, which was about a month ago, we had 135 going to AA, and
21 about 70 going to NA.

22 CHAIRMAN LOCKYER: Anything else you need in order to
23 deal with that? Do you have all the tools?

24 MR. MADDING: I think we're doing fine, thank you,
25 Senator.

26 CHAIRMAN LOCKYER: All right.

27 SENATOR AYALA: I'll move the confirmation.

28 CHAIRMAN LOCKYER: We have a motion by Senator Ayala.

1 Call the roll.

2 SECRETARY WEBB: Senator Ayala.

3 SENATOR AYALA: Aye.

4 SECRETARY WEBB: Ayala Aye. Senator Lewis. Senator
5 Petris.

6 SENATOR PETRIS: Aye.

7 SECRETARY WEBB: Petris Aye. Senator Beverly.

8 SENATOR BEVERLY: Aye.

9 SECRETARY WEBB: Beverly Aye. Senator Lockyer.

10 CHAIRMAN LOCKYER: Aye.

11 Let's place the matter on call so Senator Lewis can
12 vote.

13 Good luck to you.

14 MR. MADDING: Thank you.

15 CHAIRMAN LOCKYER: Senator Lewis having arrived, lift
16 the call and record Senator Lewis.

17 SECRETARY WEBB: Senator Lewis.

18 SENATOR LEWIS: Aye.

19 SECRETARY WEBB: Five to nothing.

20 [Thereupon this portion of the
21 Senate Rules Committee hearing
22 was terminated at approximately
23 3:27 P.M.]

24 --oo0oo--

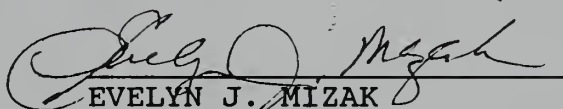
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APPEARANCESMEMBERS PRESENT

SENATOR WILLIAM LOCKYER, Chair

SENATOR ROBERT BEVERLY, Vice Chair

SENATOR RUBEN AYALA

SENATOR JOHN LEWIS

SENATOR NICHOLAS PETRIS

STAFF PRESENT

GREG SCHMIDT, Executive Officer

PAT WEBB, Committee Secretary

RICK ROLLENS, Consultant on Bill Referrals

NANCY MICHEL, Consultant on Governor's Appointments

ALSO PRESENT

DOUGLAS BARNHART, Member
Contractors' State License Board

MARILYN J. DAILEY, Member
Contractors' State License Board

JIM FRAYNE, Member
Contractor's State License Board

VELMA K. MONTTOYA, Ph.D., Member
The Regents of the University of California

RALPH OCHOA, Former Member
The Regents of the University of California

INDEXPage

Proceedings 1

Governor's Appointees:

DOUGLAS BARNHART, Member
Contractors' State License Board 1

Background and Experience 1

Questions by SENATOR PETRIS re:

School Nickname 2

Questions by CHAIRMAN LOCKYER re:

Pattern in Disciplinary Matters 2

Focus 3

Large Number of Complaints 4

Adequacy of Law 4

Questions by SENATOR AYALA re:

Effectiveness of Licensing Exam 5

Problem of Unlicensed Contractors 6

Penalties for Unlicensed Contractors 6

Jurisdiction to Deal with
Unlicensed Contractors 7

Motion to Confirm 8

Committee Action 9

MARILYN J. DAILEY, Member
Contractors' State License Board 9

Background and Experience 9

Questions by CHAIRMAN LOCKYER re:

Public Member's Responsibilities 11

Satisfaction with Current Structure,
Authority, Budget 11

INDEX (Continued)

Questions by SENATOR AYALA re:

Background and Preparedness to Be Member of Board	12
Problem with Unlicensed Contractors	13
Enforcement Jurisdiction	13
Problems with Bankrupt Contractors Moving to New Area and Practicing	14
Responsibility of Inspectors	15

Questions by SENATOR BEVERLY re:

Conservative Order of Good Guys	16
---------------------------------------	----

Witness in Support:

JIM FRAYNE, Member Contractors' State License Board	16
--	----

Questions by SENATOR AYALA re:

Unlicensed Contractors	18
Motion to Confirm	20
Committee Action	20

VELMA K. MONTOYA, Ph.D., Member The Regents of the University of California	20
--	----

Background and Experience	21
---------------------------------	----

Questions by CHAIRMAN LOCKYER re:

Work at Rand Corporation	23
White House Policy Development	24
Work at OSHA	25
Relevancy of U.C. to Hispanics	26
Statement in Support by SENATOR AYALA	28

Witness in Support:

RALPH OCHOA, Former Regent University of California	29
Motion to Confirm	30

INDEX (Continued)

Committee Action	31
Termination of Proceedings	31
Certificate of Reporter	32

P-R-O-C-E-E-D-I-N-G-S

--oo0oo--

CHAIRMAN LOCKYER: We are on to gubernatorial appointees. Thank you for your patience, those of you who have waited. We begin with Mr. Barnhart, Contractors' State License Board.

MR. BARNHART: Good afternoon, Mr. Chairman, Members.

CHAIRMAN LOCKYER: It looks like you're ready to begin with some comments that you've prepared. If you would, go ahead.

MR. BARNHART: Thank you, Mr. Chairman.

Most of my adult life has been involved in the construction industry, and I've seen the industry from many viewpoints: first as a student in a civil engineering degree; as a member of the public works staff at CBC Port Hueneme; and as an officer in charge of site construction at NAS North Island, NAB Coronado, and NAF Imperial Beach; as a project manager and vice president of a major San Diego building and engineering firm; and lastly, as the owner of my own firm which is a major engineering, building construction management firm in the southern part of the state.

I've seen the best the industry has to offer, and unfortunately, I've observed the need for improvement in many areas.

My desire is to enhance the competitiveness of our many California contractors who do provide safe, competent, and professional services, yet provide provisions to quickly and

1 logically resolve consumer complaints, the vast majority of
2 which involve residences of California citizens.

3 I have served on the Board since August of 1994 and
4 developed a great appreciation of the task at hand, and look
5 forward to working with my fellow Board Members, the Registrar,
6 and the Board staff to improve the California construction
7 industry.

8 CHAIRMAN LOCKYER: Let's first ask if there's anyone
9 present in the audience that wishes to comment? On any of the
10 appointees that's always done. Just come forward. Then see if
11 Members have questions.

12 Senator Petris.

13 SENATOR PETRIS: This has to do with his education.
14 Texas Tech.

15 Why does the song call you ``rambling wrecks''? I
16 thought Texas Tech. engineers were anything but wrecks.

17 [Laughter.]

18 MR. BARNHART: Senator, I think you might have us
19 confused with Georgia Tech.

20 [Laughter.]

21 MR. BARNHART: We're the Red Riders.

22 SENATOR PETRIS: All right. Well, I'll have to wait for
23 somebody from Georgia, then. Thank you.

24 CHAIRMAN LOCKYER: See, we get right to the serious
25 issues.

26 Have you noticed any sort of pattern of the kinds of
27 matters that appear before you for potential disciplinary
28

1 action? Is there some trend that we ought to be fixing the law
2 or something?

3 MR. BARNHART: Well, there is complaint information
4 that's furnished at the Board meetings. The actual complaint
5 resolutions are handled primarily by staff positions and
6 administrative law process on up to the Registrar.

7 But the Board is maintaining statistics on what
8 classifications we're getting the complaints, and in what area
9 those complaints are coming from. And there is some discussion
10 on the Board, or there has been since I've been on the Board
11 since August of 1994, of how best to address those in more of a
12 focused approach, if you will, on where the problems are
13 occurring.

14 CHAIRMAN LOCKYER: Have you reached any tentative
15 conclusion about what should be your focus? What kinds of
16 complaints, either at the staff level or, I guess, the Board
17 level? You'd wait and see if it comes up to you. You don't
18 have a lot of choice about that, do you? You're kind of like
19 an appellate procedure?

20 MR. BARNHART: Yes, Mr. Chairman. What the Board has
21 done is, they have appointed some task force that are studying
22 the problem. There is currently underway a classification task
23 force, particularly concentrating in the home improvement and
24 what we call repair and maintenance categories, where there
25 seems to be a lot of complaint activity.

26 CHAIRMAN LOCKYER: Thirty thousand complaints in a two-
27 year period is a lot of complaints.

28 MR. BARNHART: I think that's one year.

1 CHAIRMAN LOCKYER: Yes, one budget year, I guess.

2 MR. BARNHART: One budget year, yes, Mr. Chairman.

3 CHAIRMAN LOCKYER: Well, that's even more of a large
4 number, or a shorter time.

5 What's going on? Is that unlicensed activity? Is it
6 bad workmanship? How do you break that down?

7 MR. BARNHART: Well, there are a lot of complaints.
8 Some of the complaints are valid, and some of the complaints
9 are not valid. Some of the complaints, staff does resolve
10 through customer service representatives, which are located in
11 the district offices throughout the state. Some of the
12 complaints do go through the process, and there's about, oh,
13 roughly 900 of those that result in revoked license, and about
14 another 900 are suspended license. Some of them -- some
15 actions are referred to the district attorneys in the local
16 districts for criminal action, and there's -- they're handled
17 as to the severity of the complaint.

18 But most of them, the first attempt is to resolve the
19 differences between the person making the complaint and the
20 involved contractor or licensee.

21 CHAIRMAN LOCKYER: Is the law adequate? Does the law
22 need to be changed in any way to give you additional resources
23 or authority?

24 MR. BARNHART: I think the Board is -- when the Board
25 finishes this task force, we'll be able to make some
26 evaluation, and we're also listening to the public. There's a
27 lot of public comment, and a lot of public involvement in this
28 process.

1 I think when that task is done, the Board might be in a
2 better position to give you the best recommendations of how to
3 handle this.

4 CHAIRMAN LOCKYER: In a prior life, it feels like, as a
5 Member of the Assembly, I thought we had written the bill to
6 fix it. I've seen about five fix-it bills in the last 15
7 years, and I'm discouraged. Maybe I shouldn't be, but I keep
8 hearing consumer complaints, and what seem to be slowness in
9 addressing them.

10 Other Members? Senator Ayala.

11 SENATOR AYALA: Yes, Mr. Barnhart, are you satisfied
12 with the effectiveness of the Board's licensing exam, and does
13 it produce competent contractors out there if they get through
14 that exam, or do you feel it should be shored up a little bit
15 to make it a little more difficult, so they know exactly what
16 they're supposed to be doing?

17 MR. BARNHART: I believe that there is a need for
18 improvement.

19 SENATOR AYALA: I'm sorry?

20 MR. BARNHART: Senator, I believe there is a need for
21 improvement --

22 SENATOR AYALA: For improvement.

23 MR. BARNHART: -- in the area of the licensing area.
24 And as the industry evolves, you know, we go -- there's 42
25 classifications. There's an A and a B classification, and then
26 there's a lot of C classifications.

27 We have for many years in this state had a "one size
28 fits all" type of classification. And the exam is very

1 particular on work performance, on how to actually perform the
2 task at hand. But one wonders if that exam maybe should be
3 expanded to include some other areas that contractors need to
4 know to function in the 1990s.

5 SENATOR AYALA: What about the problem of unlicensed
6 contractors doing work out there? Is that really a problem we
7 should look at and address?

8 MR. BARNHART: There is a problem, and it normally
9 follows certain trade guidelines. You're going -- you see that
10 in work areas that require very little capital to invest in.
11 It's hard to find an unlicensed engineering contractor because
12 the capital investment in the equipment is somewhat
13 prohibitive, but we certainly see that -- I mean, painting
14 comes to mind, trades like that, plumbing.

15 There is unlicensing target activities. The Board has -
16 - working with the Registrar, we do have strike forces out, and
17 they have been very successful in areas where we've had floods,
18 and fires, and earthquakes, of going in and setting up strike
19 forces. And there has been results from unlicensed activity in
20 those areas.

21 SENATOR AYALA: This Boards will go before the Joint
22 Legislative Sunset Review Committee in '97. I guess all the
23 questions that I have probably will be asked at that time.

24 Are we penalizing these unlicensed contractors severely
25 enough so they don't attempt to do it again?

26 I don't understand the problem of some contractor going
27 bankrupt and then appear in another county, doing the same work
28

1 all over again. I don't understand the process, how that
2 happens to be.

3 How can it happen, when a contractor goes bankrupt and
4 leaves a lot of people hanging there, but then they appear
5 elsewhere with a brand new license to do business without
6 taking care of the prior problems they caused?

7 MR. BARNHART: I think that's a very accurate
8 observation. I think that is a problem that is costing the
9 California construction industry millions and millions of
10 dollars of individuals who start businesses and then those
11 businesses fail, and they -- it seems like, in a couple of
12 months, they're operating under a new business with a new
13 heading.

14 And I know in my own business, I've encountered that
15 many, many, many times. And I think there's some possibilities
16 and some solutions on that that the Board should pursue.

17 One of the problems with the unlicensed contractors is,
18 the Board has no jurisdiction over an unlicensed person. We
19 can only regulate licensed contractors.

20 So, unlicensed contractors are out of arm's length, and
21 they have to be referred up to the district attorney for
22 prosecution.

23 SENATOR AYALA: You only have authority to deal with
24 licensed contractors, but no authority to deal with unlicensed
25 contractors? Whose jurisdiction is that, to weed these people
26 out who are out there doing contract work basically without a
27 license?
28

1 MR. BARNHART: It's my understanding that those cases
2 are referred to the local law enforcement agencies, like the
3 district attorney. And I guess the success depends on whether
4 or not the district attorney's caseload is that he wants to
5 take them on or not.

6 SENATOR AYALA: The Department of Consumer Affairs has
7 no jurisdiction over that?

8 MR. BARNHART: The License Board is only licensed to
9 regulate licensed contractors.

10 SENATOR AYALA: I never thought about it that way, but
11 not to get concerned about those who are not licensed. That's
12 someone else's responsibility?

13 MR. BARNHART: We have strike forces, and they identify
14 those, and then they -- you have to have a law enforcement
15 officer with you. And the Board does, with their strike
16 forces, have a law enforcement officer, and then they're turned
17 over for --

18 SENATOR AYALA: That's one area we've got to shore up
19 before we're through here, I guess. Maybe it'll be up to that
20 Joint Committee to address that issue.

21 MR. BARNHART: Yes, Senator.

22 SENATOR AYALA: Thank you.

23 CHAIRMAN LOCKYER: Other questions? What's the
24 pleasure of the Committee?

25 SENATOR BEVERLY: Move we recommend confirmation.

26 CHAIRMAN LOCKYER: All right, we have a motion by
27 Senator Beverly.
28

1 Would there be any objection to recording the four of us
2 as voting aye? And we'll leave the roll open so that Senator
3 Lewis can add on when he returns.

4 [Thereupon the previous roll
5 was substituted, and the
6 confirmation was recommended
7 with the vote of 5-0.]
8

9 CHAIRMAN LOCKYER: Good luck, and we appreciate your
10 volunteering to do this for the state, and we hope it'll work
11 and make things better for, as you mentioned at the outset, the
12 licensed, legitimate contractors that don't deserve to be
13 unfairly competing with those who don't follow the rules.

14 MR. BARNHART: Thank you, Mr. Chairman. Thank you,
15 Senators.

16 CHAIRMAN LOCKYER: All right, we have Marilyn Dailey
17 also as, similarly, a member of the Contractors' State License
18 Board.

19 Good afternoon. You, too, have been there about a year.

20 MS. DAILEY: Since August, sir.

21 CHAIRMAN LOCKYER: And what are you going to tell us?

22 MS. DAILEY: I have a short statement I want to read, or
23 I can answer your questions.

24 CHAIRMAN LOCKYER: Go ahead.

25 MS. DAILEY: My name is Marilyn Dailey, and I reside in
26 Escondido, California. I've lived in California a total of 26
27 years.
28

1 My business and professional background spans over 30
2 years of work in television, public relations, business
3 administration, and charitable public service.

4 My current position on the Contractors' Board is that of
5 a public member, and I have served in that capacity since last
6 August.

7 I have had previous board experience as a public member
8 on the Speech Language Pathology and Audiology Examining
9 Committee for the State of California.

10 I take very seriously my responsibility to the people of
11 California in making Board decisions and have kept in mind the
12 mission statement of the Department of Consumer Affairs to
13 protect the consumer. Specifically, Contractors' is charged
14 with promoting health and welfare of public in matters relating
15 to building construction, ensuring the construction is
16 performed in a safe manner, providing resolutions to disputes,
17 as you've just discussed, and providing information so the
18 public can make informed choices.

19 And now, I've reached that stage in life when retirement
20 can be either empty days of selfish pastimes, or when the
21 knowledge and expertise that I've developed over the years can
22 be utilized productively in public service. I believe that
23 pursuing that latter course is the better alternative.
24 California has been good to me and my family, and I would like
25 to think that my service on the board can in some measure
26 contribute as a repayment to my state.

27 And I thank you for the appearance today, and I'd be
28 happy to answer questions.

1 I hope I do as well as Mr. Barnhart.

2 CHAIRMAN LOCKYER: You're doing fine.

3 How do you distinguish between what responsibilities you
4 may have as a public member compared to him, being a
5 representative of a particular practice?

6 MS. DAILEY: Well, I think that the public, of course,
7 it's the most important purchase that a family probably makes
8 in their life, the most money that they'll put in is into their
9 home, either through buying a home, building a home, or
10 remodeling their home. And we must be very sensitive to the
11 needs and their complaints.

12 And a lot of times, they are unknowledgeable before they
13 enter into a contract, too. So, there's a lot of negotiations,
14 but the consumer is the one that is the driving force for the
15 public members.

16 CHAIRMAN LOCKYER: Are you satisfied with the current
17 structure, authority, budget? Anything you'd change?

18 MS. DAILEY: Well, I think there's always changes that
19 can be made and always improvements that can be made.

20 I'm fairly new to the process, so there's a lot of
21 things I still have yet to learn about the way -- it is a large
22 department. There are many people involved.

23 I have seen a staff that is very dedicated. They're
24 open to suggestions, which I think have been forthcoming from
25 the Board.

26 I think that our consumer education program, which has
27 been put into place this year, where we are doing public
28 service, radio and television announcements of 20, 30 and a

1 minute things in our major markets, are really helping to
2 educate the consumer that when they hire a contractor, he
3 should be licensed. And if he isn't licensed, they are at
4 risk.

5 And I think it helps both the consumer to know they have
6 to hire a contractor that's licensed, and also all those
7 renegade contractors out there that the public's going to get
8 smart enough to know that they shouldn't be hiring someone
9 without a license.

10 CHAIRMAN LOCKYER: Other questions? Senator Ayala.

11 SENATOR AYALA: I'd like to ask respectfully how does
12 your background, which includes a degree in speech, prepare you
13 to be a member of the Contractors' License Board?

14 MS. DAILEY: Well, actually, I wouldn't put it all into
15 the speech. I would put it more into the business
16 administration in the past that I've had in helping run
17 companies and doing different business.

18 The television background was my early ten years out of
19 college, and then I went into other fields.

20 SENATOR AYALA: You're the public member --

21 MS. DAILEY: Yes.

22 SENATOR AYALA: -- on that Board.

23 I would like to ask you the same question I asked the
24 prior gentleman. We have a problem with unlicensed
25 contractors.

26 MS. DAILEY: Yes.
27
28

1 SENATOR AYALA: Do you think that the Board is doing
2 enough to apprehend these people who are in violation of
3 certainly the law? Is that your responsibility? He says not.

4 What happens if they're caught?

5 MS. DAILEY: Well, you're cite and fined, and then it's
6 turned over to the civil courts.

7 SENATOR AYALA: Who --

8 MS. DAILEY: The people who go out from our Board are
9 allowed to bring charges, but they have to do it through the
10 civil.

11 And the thing that we're hoping to do with our consumer
12 education is have people not hire these unlicensed contractors,
13 so that -- and have people understand that if they do hire
14 them, they're at risk.

15 SENATOR AYALA: You said they're fined, but by whom?
16 Who fines them?

17 The gentleman before said that the Board was concerned
18 with licensing people --

19 MS. DAILEY: I believe it's civil.

20 SENATOR AYALA: -- and not enforce the law against those
21 who are not licensed. So, who does enforcement of those?

22 MS. DAILEY: It would be the civil authorities that our
23 people --

24 SENATOR AYALA: District attorney's office?

25 MS. DAILEY: They take a law officer with them.

26 SENATOR AYALA: The D.A. would have to pursue that?

27 MS. DAILEY: Yes.

28 SENATOR AYALA: Okay.

1 MS. DAILEY: But if you could some way, through
2 legislation, help us to beef that up, that might be a good area
3 to go into.

4 SENATOR AYALA: The same question I asked of the
5 gentleman there, we have contractors. I know for a fact two
6 who have gone bankrupt, and left people hanging there.

7 They end up in another area. They contract all over
8 again.

9 How does that happen? Doesn't the Board make sure that
10 folks who haven't paid their debts in that kind of work pay
11 them off before they allow them another license?

12 MS. DAILEY: I'm not sure of the inner workings that I
13 can answer that, the technical inner workings.

14 But there is record kept of all licenses, and people can
15 call in on our automated license to find out if a contractor is
16 licensed. And their past history is given if they have been
17 delinquent, or some how have something in their background.

18 So, as I say, I'm sorry. I really don't know the
19 technicalities.

20 SENATOR AYALA: Because, you know, I can give you the
21 name of a contractor that went bankrupt and left the person
22 hanging their with their restaurant he was building, and so
23 that the owner had to come up and pay the difference because
24 the certificate of completion wasn't even from a registered
25 company. Before they can complete the restaurant, he's out
26 there practicing the same thing as a contractor in Orange
27 County.
28

1 MS. DAILEY: I don't understand how that could happen,
2 how he could get another license --

3 SENATOR AYALA: And I know of a painting contractor --

4 MS. DAILEY: -- but I'll find out.

5 SENATOR AYALA: I know of a painting contractor did the
6 same thing. He left people hanging, went to Victory, opened up
7 offices again, and there he goes, painting homes.

8 So, I don't understand how that works.

9 MS. DAILEY: I don't understand how he could do that.

10 SENATOR AYALA: It's not the responsibility of this
11 Board to make sure those folks don't get a new license?

12 MS. DAILEY: I think so. I think we'll talk to
13 Mr. Jesswein about that immediately.

14 SENATOR AYALA: We ought to review that, I think, with
15 the Joint Committee next year to make sure that they're --

16 MS. DAILEY: Stopped from doing it again.

17 SENATOR AYALA: A lot of good folks are losing out
18 because of what I call shoddy construction. There's no way to
19 make them go back and redo it. That doesn't make sense.

20 MS. DAILEY: Well, maybe I shouldn't say this, but I
21 think maybe the inspectors should be brought to task for that,
22 too. I think we found that was true with earthquakes and some
23 other things.

24 SENATOR AYALA: Quality control begins at the local
25 governments, but when they have a subdivision, they bring their
26 own inspectors, you know. That is what causes the problems
27 sometimes.

28 Thank you.

1 MS. DAILEY: Thank you, Senator.

2 CHAIRMAN LOCKYER: Senator Beverly.

3 SENATOR BEVERLY: I've got to ask the question: for
4 four years you were the Executive Director of the Conservative
5 Order of Good Guys. What is that?

6 MS. DAILEY: That was a political action committee that
7 was founded by my husband. And I did all their administrative
8 work, putting out the newsletter, setting up their meetings,
9 lunches, doing their billings and the administrative duties.

10 I did that on a part-time basis, and then, after his
11 death, I did it as still part-time basis on a retainer basis
12 for three years.

13 I'm no longer involved. I am a member of the
14 organization, but I'm no longer a paid --

15 SENATOR BEVERLY: Did the group support Governor Wilson?

16 MS. DAILEY: Yes, they did.

17 SENATOR BEVERLY: I'm going to test how conservative it
18 was.

19 MS. DAILEY: I do believe they did, sir.

20 CHAIRMAN LOCKYER: It must be a nonprofit group.

21 [Laughter.]

22 MS. DAILEY: I think I'll let that one pass.

23 CHAIRMAN LOCKYER: Any other questions? Anyone who
24 wishes to comment?

25 MR. FRAYNE: Mr. Chair, if I may address the Committee.

26 Mr. Chair and Members of the Committee, my name is Jim
27 Frayne.
28

1 Through your generosity almost eight years ago, I was
2 appointed to the Contractors' State License Board and
3 reappointed in 1991.

4 And since I have known Marilyn since she came on the
5 Board as a public member, and I'm also a public member, I'd
6 like to authenticate her interest, her dedication since she's
7 been on the Board, since August, her background, her community
8 activities, her professional activities, and her dedication.

9 She doesn't take any sides. She calls them as she sees
10 them. She's not afraid to ask questions, and she'll take on
11 the big contractors as well as the little ones.

12 When I came on the Board, we had complaints that hadn't
13 even been opened, and the statute of limitations had ran. And
14 the only computers they had were microfiche.

15 Since that time, because of a lot of efforts of
16 Board members and staff, the Contractors' State License Board
17 has moved into the 19th Century, and hopefully, into the 21st
18 Century.

19 With 279,000 licensed contractors in California, and
20 another 100,000 unlicensed, it's always been the attitude of
21 the leadership on the Board, when you discover an unlicensed
22 contractor who hasn't injured anybody, that you urge that
23 person, him or her, to get a license because once they get a
24 license, then we have control.

25 The sad thing is, we only collect about 12 percent of
26 the fines that are made. And the reason for that is, most
27 unlicensed contractors, they operate from a pickup truck with a
28 box of tools. And district attorneys, because of their

1 workload of criminals, it's almost impossible, unless in the
2 very blatant cases, to get them to prosecute that.

3 And with our natural disasters, it's even worse, because
4 these cockroaches have come from other states.

5 Thanks to the Legislature and the Governor giving us the
6 funds to have these SWAT teams, both in Northern and Southern
7 California, it's enabled us to go in, like in the Northridge
8 Earthquake, and set up a house, and watch the penny ads and the
9 newspapers, and catch 30 or 40 of those people.

10 And what happens, they sort of hang together. When they
11 find out our undercover unit is in an area, suddenly they
12 disappear. And like Three Strikes, they're getting the idea
13 maybe California isn't a healthy place to be.

14 And I urge you to reconfirm her reappointment. She's a
15 dedicated person, and not only her background, but also she has
16 the time.

17 Thank you.

18 SENATOR AYALA: Question. I didn't quite understand
19 what you said about when an unlicensed contractor surfaces
20 someplace, and he hasn't hurt anybody, what do you do with him?

21 MR. FRAYNE: Well, when I said -- I guess I should
22 clarify that, Senator Ayala.

23 When the damage is something that he or she can correct,
24 and they will correct, and they're willing to do that, we
25 encourage them to get a license so then we have jurisdiction
26 over them. I didn't make that clear. That's after they
27 correct whatever the problem is.

28

1 And probably, of our 30,000 complaints a year, more than
2 50 percent are home improvement type of things, and probably 70
3 percent are under \$5,000. And obviously, somebody that has a
4 \$1500 complaint against somebody that has a \$50,000 complaint,
5 the amount of money is really irrelevant because that person's
6 been injured. We want to make he or she whole. That's the
7 mission of the Board.

8 SENATOR AYALA: I was under the impression that if
9 someone is unlicensed, they're breaking the law and would come
10 under your jurisdiction. But I've heard this afternoon that it
11 isn't true. You only deal with those who are licensed, but not
12 with those who are not licensed.

13 MR. FRAYNE: I think the clarification of that is, we
14 cite unlicensed contractors. And usually when we cite them, we
15 don't criminally prosecute them because the district attorneys
16 don't have the staff in order to prosecute them for violating
17 the section.

18 We fine them. What happens, we write a citation up, but
19 then they disappear, maybe an assumed name. And we only
20 collect about 12 percent of those fines. And then they appear
21 somewhere else with a different fictitious name, and they may
22 use a license number of a city permit. I mean, they're very
23 clever people, very clear.

24 I should say 20 or 30 percent of the complaints that we
25 receive really should go to the building department, because
26 they've met the standards or haven't met the standards, and
27 it's not really a complaint against the contractor. But that's
28 a whole other subject.

1 SENATOR AYALA: Okay.

2 CHAIRMAN LOCKYER: Well, I will note that there's not a
3 single environmentalist sitting on this Board. I don't know if
4 we ought to try to catch a better balance.

5 SENATOR AYALA: Maybe that's why it's so bad; we need a
6 few in there.

7 CHAIRMAN LOCKYER: All right, do we have a motion on the
8 matter?

9 SENATOR BEVERLY: Move confirmation.

10 CHAIRMAN LOCKYER: Any objection to substituting the
11 roll? Okay, that'll be the order.

12 [Thereupon the previous roll
13 was substituted, and the
14 confirmation was recommended
15 with the vote of 5-0.]
16

17 CHAIRMAN LOCKYER: Thank you.

18 MS. DAILEY: Thank you.

19 CHAIRMAN LOCKYER: Continue your good work and fix all
20 the problems.

21 MS. DAILEY: Thank you, I'll try.

22 CHAIRMAN LOCKYER: The main event, Dr. Montoya, good
23 afternoon.

24 DR. MONTOYA: Good afternoon.

25 Mr. Chairman and Members, I have a prepared statement.

26 CHAIRMAN LOCKYER: Sure.

27 DR. MONTOYA: It explains my background and, I think,
28 speaks to my performance as a U.C. Regent.

1 I am an American woman of Mexican descent from East Los
2 Angeles, California.

3 My late father, Jose Gutierrez Montoya, was born in
4 Chihuahua, Mexico, and only had a fourth grade education. He
5 came to the United States when he was about ten to escape the
6 murder of his father and four brothers. Papa worked as a
7 laborer for the rest of his life.

8 My mother, Consuelo Cavazos Montoya, was born in Mexico
9 City and also came to this country to escape the revolution
10 that murdered her father.

11 After my brother started school, my mother helped
12 support the family as a nurse's aide at the While Memorial
13 Hospital in Boyle Heights.

14 I'm proud of my brother. He's a sheet metal worker at
15 Hewlett-Packard in Palo Alto. Until I was twelve years old, we
16 four lived in a three-room house -- a combination living room,
17 kitchen, and bathroom -- on Geraghty Avenue in East L.A. And
18 sadly, Geraghty Avenue is known for its gangs. It's not known
19 for people who go on to higher education.

20 I attended public high schools in East Los Angeles:
21 Harrison Elementary School, Belvedere Junior High School,
22 Garfield High School, and graduated from Lincoln High School,
23 as did Ralph Ochoa, it turns out.

24 CHAIRMAN LOCKYER: Two strikes.

25 [Laughter.]

26 DR. MONTOYA: I just learned that.

27 I was the first person in my family to -- in my extended
28 family to graduate from high school.

1 CHAIRMAN LOCKYER: Now wait a minute. You say that he
2 went there, not that he graduated.

3 DR. MONTOYA: Oh, well. We'll have to clarify that
4 later.

5 I was very fortunate. School came easy to me. I've
6 always been lucky to have mainly lady mentors who have helped
7 me succeed. Many of my teachers went out of their way to help
8 me. At Lincoln, I won a scholarship to Occidental College.

9 In high school, it never occurred to me to consider
10 attending the University of California. Unfortunately, to a
11 large degree, the University of California irrelevant to the
12 Latino community in California. For example, last summer I
13 attended scholarship awards given by Commission Femenil de Los
14 Angeles, a group of educated professional ladies, Latinas. Of
15 the 20 scholarships, only two were given to young Latinas who
16 were attending the University of California. And when I was
17 introduced, many of the professional ladies did not know who
18 the U.C. Board of Regents represent.

19 How does my background speak to my performance as a U.C.
20 Regent? I value education, and I spend my money very
21 carefully. I know a bargain when I see it.

22 A U.C. education is the best education and remains a
23 bargain. I want to see people from disadvantaged communities
24 take advantage of this educational bargain. They and the
25 students pay taxes, too.

26 Thank you. I'm ready -- be happy and delighted to take
27 your questions.
28

1 CHAIRMAN LOCKYER: Thank you. You have a very
2 impressive resume in terms of both education and work
3 experiences.

4 DR. MONTOYA: Thank you.

5 CHAIRMAN LOCKYER: I'd like to hear you just comment on
6 a few of the specific work products that you were associated
7 with before we get to Regent questions.

8 So, I guess kind of running somewhat chronologically,
9 almost a decade at Rand?

10 DR. MONTOYA: Yes.

11 CHAIRMAN LOCKYER: What kind of work were you doing?

12 DR. MONTOYA: I worked in the human resources area on
13 issues of labor, resources and education.

14 One product I remember had to do with National Science
15 Foundation funded project on mid-life career redirection. And
16 it resulted in a publication that advised scientists and
17 engineers to accept lower pay and consider -- to downsize their
18 expectations. And it looks like we're living that public
19 policy issue once more with the same recommendation. That's an
20 example of what I did.

21 CHAIRMAN LOCKYER: Any during that decade that you put
22 on the controversial shelf?

23 DR. MONTOYA: No, no.

24 CHAIRMAN LOCKYER: More like the one you just mentioned?

25 DR. MONTOYA: I was in the domestic policy area. I also
26 worked on a study using physicians assistants instead of
27 doctors in military hospitals. Those kinds of -- mainly
28 education and labor/economics issues.

1 CHAIRMAN LOCKYER: Then White House policy development.
2 Any particular policy area that you were focused on?

3 DR. MONTOYA: Well, I am most proud of initiating
4 something that very few people know -- would give me credit
5 for. I worked in the Reagan-Bush administration, and when I
6 got there, I learned that then-Governor Reagan had instituted a
7 policy to enable absent, at that time, namely fathers to have
8 the child support collected between the different counties.
9 And through talking with people, I was able to initiate a
10 working group that enabled this policy to go national in 1984.

11 I stuck with it, and I had already left the White House
12 and was working at OSHA as an economist at the time, but I'm
13 very, very proud that this policy went national.

14 And a lot of people don't even know. You know, in
15 politics there is -- people forget very quickly.

16 And now, of course, it's been modified and strengthened,
17 but I'm very proud of my role in initiating that.

18 I also worked -- at that time there was a gender -- an
19 alleged gender gap, so I worked on women's issues. I can
20 remember when Elizabeth Dole loved my paper because it
21 recommended that there be a woman member of the Cabinet.

22 I also worked on Latino issues.

23 CHAIRMAN LOCKYER: Wasn't the Secretary of Labor in the
24 Cabinet?

25 DR. MONTOYA: She wasn't there at the time. She was
26 then the head of public policy.

27 CHAIRMAN LOCKYER: No, I mean back to the FDR days.
28

1 DR. MONTOYA: Oh, yeah, but at that time, you know, for
2 that particular administration.

3 CHAIRMAN LOCKYER: Perkins, I guess. I think she was
4 the first woman.

5 DR. MONTOYA: Yes, Mrs. Perkins, yes.

6 CHAIRMAN LOCKYER: But at the time there was a gap, yes.

7 DR. MONTOYA: That's right.

8 CHAIRMAN LOCKYER: How about in OSHA? What were --

9 DR. MONTOYA: In OSHA, my role was that of an economist,
10 and I assessed regulations as they were being developed in
11 OSHA. And I'm very proud that I'm one of the few economists I
12 know who's ever worked to deregulate a standard, as opposed to
13 preregulate.

14 I worked on a project to allow mechanical power presses
15 to be used in this country. When OSHA was created, they
16 accepted a lot of prohibitions, and one of the prohibitions was
17 that mechanical power presses be prohibited.

18 And what the standard now allows is that when the hand
19 leaves the dye area, the press presses automatically.

20 Remember, I told you my brother is a sheet metal worker
21 at Hewlett-Packard in Palo Alto. Well, he was one of my
22 consultants, informally, of course. But I'm very proud that he
23 had input to that.

24 And now, this practice is being allowed in this country.

25 OSHA had allowed a factory in the Middle West, out of
26 Ohio, outside of Cleveland, Ohio, to use the technology, which
27 is more cost effective and more productive than the alternative
28 technology. And now it is allowed to be used.

1 CHAIRMAN LOCKYER: You mentioned in your comments that
2 the University, to a considerable extent, is irrelevant to the
3 Hispanic community.

4 What two or three things would you contemplate to make
5 it more relevant.

6 DR. MONTOYA: That's a very good question.

7 One thing that the University is working on and, I
8 think, will be augmented, partly as a look at what are called
9 these, quote, "affirmative action" programs, unquote, are to
10 augment what we call community outreach programs in the
11 University of California.

12 We had a representative at our meeting on Thursday of
13 the California Postsecondary Education Commission. And this
14 gentleman told us that in the pipeline are many students
15 because of the outreach program who are taking the ADF
16 requirements, and are learning about the SAT tests. So that
17 now, whereas you have about four percent of Latino students in
18 California who are U.C. eligible, meaning that they have the
19 requirements to come to U.C., he expects that in the near
20 future, this number will grow.

21 By the way, that percentage could be too low because
22 that's a 1990 percentage.

23 And you have five percent of African-Americans who are
24 similarly U.C. eligible. We expect that will grow because of
25 U.C.'s emphasis on outreach programs. And a lot of people are
26 participating in this.

27 And one wonderful sentiment from the Regents is that we
28 have to push these more, because they work. They find that

1 when students -- you know, I told you that we have, like, a
2 percent and a four percent eligibility rate among the
3 disadvantaged population on the average. But once the students
4 go into these programs, the number goes up to 50 percent
5 eligibility -- no, I think 50 percent who attend, not just
6 eligibility, who attend.

7 Our big problem there is that we lose some of the better
8 students to universities and colleges like Stanford and
9 Columbia that come in with all this financial aid that, right
10 now, the University of California cannot offer them. That's
11 one, outreach.

12 Another thing we should be doing is, we should be
13 getting through to the counselors, because -- and the teachers.
14 Most of the teachers in this state were trained at the
15 California State Universities. And some how, we understand
16 that that feel, for whatever reason, that -- well, they are
17 reluctant, some of them are reluctant, to suggest to their good
18 students that they consider attending the University of
19 California. They say, "Oh, the student will get lost, or
20 "You won't have anyone to talk to." They don't know that
21 teachers are proactive now, and are mentoring students from
22 different backgrounds.

23 So, we have to overcome this resistance on the part of
24 the administration in high schools.

25 Another thing the University of California should doing,
26 I think, is training more teachers. One of my -- my son is a
27 teacher. Our son graduated from U.C.L.A. in history. And in
28 the day time, he's a substitute teacher. And the reason he

1 wants to be a sub. is so he'll have enough time to work on his
2 rock music.

3 So, a friend of his, a similar situation here in
4 Northern California, had a hard time getting into the
5 University of California Education Department to get a teacher
6 training -- to get a teacher's credential. And we're talking
7 about a young man who graduated in science and politics from
8 the University of California at San Diego, but the impression I
9 get is that when he went knocking on the door at Cal.
10 Berkeley's Education Department, they wanted someone who wanted
11 a Ph.D. And he wants to teach. He's teaching now, but he
12 wants to be validated.

13 And I think we have to be more generous and open to
14 young people who are willing to be trained to be teachers in
15 the University of California. And I'm not quite sure how we do
16 it, but I do feel this is a problem.

17 We shouldn't only be planning to bring out people who
18 will do research. We have to get them back into our schools.

19 Those are two that I think are very important.

20 CHAIRMAN LOCKYER: Other Members? Senator Ayala.

21 SENATOR AYALA: We had quite a lengthy discussion, and I
22 am impressed with your background and your accomplishments.

23 DR. MONTOYA: Thank you, Senator.

24 SENATOR AYALA: I'm supporting you because you're fully
25 qualified, not because you're of the same ethnic background I
26 am, or because you happen to be a woman or affirmative action.

27 DR. MONTOYA: Thank you.
28

SENATOR AYALA: You're qualified, and you deserve this position because you're as qualified as anyone else I've seen come before us for that type of a position.

So, I congratulate you for your accomplishments, and I think you're doing a heck of a job for us. Thank you.

DR. MONTROYA: Thank you, Senator. I appreciate that very much coming from you. Thank you.

SENATOR BEVERLY: Senator Petris, any questions?

SENATOR PETRIS: I'm supporting her. She's the same background as Ayala.

[Laughter.]

SENATOR PETRIS: Plus the merits.

SENATOR BEVERLY: Is there anybody here who wishes to testify in support of the nomination? Mr. Ochoa.

MR. OCHOA: Thank you, Mr. Chairman.

I hesitate to speak, because I might get the third strike.

My name is Ralph Ochoa. And as some of you know, I had the honor and privilege of serving on the U.C. Board previously.

And I agree with Senator Ayala, that Dr. Montoya is eminently qualified.

In my experience, and having a chance to isolate and identify some of the problems that the University is working on, and should find better ways to accelerate the resolution, Dr. Montoya, I think, brings that kind of insight, experience, and will accelerate those resolutions.

I urge you to vote aye on her nomination.

1 Thank you.

2 SENATOR BEVERLY: Thank you very much.

3 Anybody else in support? Is there any opposition
4 present?

5 What's the pleasure of the Committee?

6 SENATOR PETRIS: Move it.

7 SENATOR BEVERLY: Senator Petris moves the Committee
8 recommend confirmation. Secretary will call the roll.

9 SECRETARY WEBB: Senator Ayala.

10 SENATOR AYALA: Aye.

11 SECRETARY WEBB: Ayala Aye. Senator Lewis. Senator
12 Petris.

13 SENATOR PETRIS: Aye.

14 SECRETARY WEBB: Petris Aye. Senator Beverly.

15 SENATOR BEVERLY: Aye.

16 SECRETARY WEBB: Beverly Aye. Senator Lockyer.

17 SENATOR BEVERLY: We'll leave the roll open for Senator
18 Lewis and the Chairman.

19 Congratulations.

20 DR. MONTOYA: Thank you. Thank you very much.

21 [Thereupon the Rules Committee
22 acted upon other items on the
23 agenda.]

24 [Chairman Lockyer returned to
25 Committee and questioned Dr.
26 Montoya re: increasing student
27 fees. Dr. Montoya expressed
28 that she was resistant to any

1 increase in current student fee
2 rates.

3 Chairman Lockyer then lifted the
4 call on all the confirmations, and
5 the final vote on all three
6 gubernatorial appointees required
7 to appear was 5-0.]

8 [Thereupon this portion of the
9 Senate Rules Committee hearing
10 was terminated at approximately
11 3:12 P.M.]

12 --oo0oo--
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EVELYN J. MIZAK
Shorthand Reporter

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25 Reported by

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27 Evelyn J. Mizak
28 Shorthand Reporter

APPEARANCESMEMBERS PRESENT

SENATOR WILLIAM LOCKYER, Chair

SENATOR RUBEN AYALA

SENATOR JOHN LEWIS

SENATOR NICHOLAS PETRIS

MEMBERS ABSENT

SENATOR ROBERT BEVERLY, Vice Chair

STAFF PRESENT

GREG SCHMIDT, Executive Officer

PAT WEBB, Committee Secretary

RICK ROLLENS, Consultant on Bill Referrals

NANCY MICHEL, Consultant on Governor's Appointments

ALSO PRESENT

MARY F. BERGLUND, Member
California Transportation Commission

THOMAS S. SAYLES, Member
The Regents of the University of California

RODERIC C. WARD, Member
State Building Standards Commission

NABIH F. YOUSSEF, Member
State Building Standards Commission

INDEX

	<u>Page</u>
Proceedings	1
Governor's Appointees:	
MARY F. BERGLUND, Member	
California Transportation Commission	1
Background and Experience	1
Questions by CHAIRMAN LOCKYER re:	
Type of Money Managed in Firm	1
Rail Cars and Deregulation	2
Funding Shortfall in the STIP	2
Advice for Dealing with Shortfall Problem	3
Lack of Appointees' Willingness to Attempt to Change Governor's Opinion	5
Votes Cast in Opposition to Governor's Recommendations	5
SCR 72 Recommendation to Remove Nontransportation Departments from Agency	7
More Accurate Performance Measures for Caltrans	7
Contracting Out	8
Report on High Cost of Contracting Out by A. Alan Post	9
Questions by SENATOR AYALA re:	
Ability of California to Meet Transportation Needs with Existing Funding Sources	12
Use of Gas Tax as Source for Shoring up Deficiencies	13
Suggestions for Funding Deficiencies	14
Property Ownership Enhanced by Caltrans Purchasing	15

INDEX (Continued)

Questions by SENATOR PETRIS re:

Improper Use of Toll Bridge Account to Pay for Seismic Retrofitting	16
Mission of California Transportation Commission	18
Commission's Failure to Advise	19
Need for Commissioners to be Advocates for Best State Transportation Policy	20
Opinion on Hypothetical Scenario of Superhighway from Eureka to Seattle	20
Need to Reconsider Contracting Out Recommendation	22
Number of Commissioners	22

Questions by CHAIRMAN LOCKYER re:

Name of Newly Appointed Commissioner	23
--	----

Questions by SENATOR PETRIS re:

Lack of Proper Balance on Commission	23
Overall Transportation Perspective	24

Statements by CHAIRMAN LOCKYER re:

Neglect of Duty to Confirm CTC Members without Resolution of Administration's Propensity to Put Politics ahead of Taxpayers' Interests	26
Recommendation to Put Confirmation on Hold until Senator Beverly's Return	26

THOMAS S. SAYLES, Member

The Regents of the University of California	28
---	----

Background and Experience	28
---------------------------------	----

Questions by SENATOR PETRIS re:

Projections for Future Enrollment in Higher Education in California	29
--	----

INDEX (Continued)

Questions by CHAIRMAN LOCKYER re:

Compliment on Independence 30

Resolution with Respect to Selection
of New U.C. President 30

Questions by SENATOR PETRIS re:

May 23 Report from Center for
Continuing Study of the California
Economy Regarding Future Enrollment 31

Request for Regents to Ferret Out
Correction Information 32

Student Fee Increases 32

Possibility of Cutbacks without Fee
Increases 33

Opinion on Raising Taxes to Support
Higher Education 34

Questions by SENATOR AYALA re:

Major Issues Facing University 35

Retention of Faculty 36

Questions by CHAIRMAN LOCKYER re:

Position on Affirmative Action Debate 37

Motion to Confirm 38

Committee Action 39

RODERIC C. WARD, Member

State Building Standards Commission 39

Background and Experience 39

Questions by CHAIRMAN LOCKYER re:

Needed Changes in Standards Adoption
Processes 40

Questions by CHAIRMAN LOCKYER re:

Needed Changes in Standards Adoption
Processes 40

INDEX (Continued)

Questions by SENATOR AYALA re:

Contact with State Architect 41

Need for School Districts to Go
Through State Architect's Approval of
Plans for New Construction 42

Questions by SENATOR PETRIS re:

Review of Quality of Building
Materials 43

Problems in District with ABS
Plastic Pipes in Residential
Construction 44

Motion to Confirm 46

Committee Action 46

NABIH F. YOUSSEF, Member
State Building Standards Commission 46

Background and Experience 46

Questions by CHAIRMAN LOCKYER re:

Need to Streamline Codes 47

Questions by SENATOR PETRIS re:

Familiarity with ABS Pipe Issue 48

Problem with Water Company Pipes
Breaking Apart 49

Motion to Confirm 49

Committee Action 50

Termination of Proceedings 50

Certificate of Reporter 51

P-R-O-C-E-E-D-I-N-G-S

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CHAIRMAN LOCKYER: Let's start on Item 2, Dr. Berglund is first as member of the CTC.

Good afternoon.

DR. BERGLUND: Good afternoon.

CHAIRMAN LOCKYER: Sometimes people want to start with a little opening statement. It's up to you as to your preference.

DR. BERGLUND: Mr. Chairman, Senators, I did not come with a prepared statement. I assumed that you would be wanting to ask me questions.

I could, you know, make a little statement about why I'd like the job, if you'd like, but otherwise, I didn't come with one.

CHAIRMAN LOCKYER: Well, you might tell me just want kind of money do you manage in this firm?

DR. BERGLUND: What kind of money I manage. I manage some family assets for -- my parents were very ill. My father had Alzheimer's, and my mother had heart failure. And so, I had to manage those assets.

And then I managed the assets of my husband's pension plan. It's not a business that's open to -- you know, I don't hold myself out as a money manager to anyone else in any sense, nor have I ever given advice to anyone. I try to stay away from that.

CHAIRMAN LOCKYER: You seem to know a lot about rail cars.

DR. BERGLUND: Yes.

1 CHAIRMAN LOCKYER: From looking at your publications, and
2 lectures, and so on.

3 How did you stay awake?

4 DR. BERGLUND: People suggest that even the whole field of
5 economics, how did I stay awake, because it's usually
6 everyone's most unfavorable course in college.

7 CHAIRMAN LOCKYER: I liked it, but then, I liked medieval
8 history, too, so maybe there's some parallel.

9 Taxi cab deregulation and rail cars?

10 DR. BERGLUND: Yes, yes. I think my -- you know, the
11 research and all kind of covers the range of it from passenger
12 to freight, and from lots of different modes.

13 And I became interested in it, you know, in graduate
14 school. I was taking an area in government regulation, and so
15 that encompassed not only the anti-trust and that public policy
16 toward competition kind of thing, and then also the regulated
17 industries, public utilities and transportation. So,
18 particularly on the federal level.

19 CHAIRMAN LOCKYER: Perhaps you'd be willing to start with
20 just any general thoughts you might share about the funding
21 shortfall in the STIP. As I recall, the current is it seven-
22 year plan?

23 DR. BERGLUND: Yes.

24 CHAIRMAN LOCKYER: Runs out of money, I guess, during the
25 next year or so.

26 DR. BERGLUND: Yes.

27 CHAIRMAN LOCKYER: What do you think about that?

1 DR. BERGLUND: Well, I'm very concerned about it, being,
2 you know, very interested in transportation at the state
3 levels.

4 Of course, you know, I realize that this is nothing that
5 the Commission will be resolving. This will be at the highest
6 level between the Governor and the Legislature in dealing with
7 the shortage of funds, but I think it's of a concern that the
8 two of the rail bond issues have failed, and that Proposition
9 1-A, to fund some of the seismic retrofit in the Northridge
10 Earthquake problems has also failed.

11 So, I think it's something that the Legislature will need
12 to address in terms of keeping our money. I don't know if you
13 would be interested in my going into any further detail about
14 where the shortfall came from. You probably have those
15 numbers.

16 CHAIRMAN LOCKYER: What's your advice about how to deal
17 with the problem?

18 DR. BERGLUND: Well, I would not, you know, presume to
19 give any advice to the people that are, you know, in charge of
20 solving it.

21 I think the Commission's made a number of recommendations
22 that they think the Legislature really needs to address. And I
23 was on the SCR 72 Commission, and we were very interested in
24 realizing some economies from Caltrans reorganization.

25 I think also that the Legislature will need to address the
26 fact that the funding base is declining, the fact that cars are
27 becoming more fuel efficient and so the basis of the -- of
28 where we're getting our state highway account revenues is going

1 to be decreasing in the future. As our congestion and as our
2 population grows, why, we'll be in serious need of, you know, a
3 very reliable funding source in the long run.

4 CHAIRMAN LOCKYER: Do you have any thoughts about what the
5 choices are?

6 DR. BERGLUND: No, I haven't really examined -- well, I
7 guess I have to say, and this comes from my training in
8 graduate school and as the first thing we learn, I guess, that
9 old joke about you lay all the economists end to end, and
10 they'll never reach a conclusion.

11 And so, you know, basically I've not looked at the kinds
12 of funding options in that way that I would want to, you know,
13 to presume to make, you know, any sort of a recommendation.

14 But I do think we need to look at the economies. I think
15 we need to look at some sort of a secure revenue source, and
16 that will not be, of course, my decision, but I certainly hope
17 the Legislature and the administration will address it before,
18 you know -- right now, we don't have -- we'll not have a state
19 investment program in transportation. It's kind of a federal
20 only fund because -- funding, because we really need to save
21 the state money for the federal match.

22 And so, I would hope that we could come up with a state
23 investment program. The blueprint is seriously -- you know, I
24 think intended to do that over the ten-year period, is in
25 trouble because of, as I said, the measures that have not
26 passed and other issues.

27 CHAIRMAN LOCKYER: Well, the practical problem seems to be
28 the executive branch, not the Legislature, to be quite frank.

1 I haven't seen any willingness on the part of the
2 gubernatorial appointees to engage the Governor in requisite
3 discussions to change his opinion.

4 DR. BERGLUND: I didn't mean -- when I was implying that
5 you were going to solve this at the highest level, I certainly
6 didn't mean to leave the administration out of it or blame you.

7 CHAIRMAN LOCKYER: I understand what you're saying. I
8 just to make the point clear --

9 DR. BERGLUND: Yes.

10 CHAIRMAN LOCKYER: -- because I'm done apologizing and
11 covering up for an administration that won't accept
12 responsibility.

13 And I think when you're appointed by him, you assume some
14 duty to go back and try to persuade the Governor that his
15 policies are unwise.

16 Have you done that?

17 DR. BERGLUND: I haven't. Well, I don't really speak with
18 the Governor, and so I really have not done that because I
19 don't know him personally. I mean, you know, I think we've
20 tried to send the reports from the Commission to the Governor,
21 to the administration, as part of our, you know, advisory
22 responsibility.

23 And no, I have not made an effort to contact him
24 personally for this.

25 CHAIRMAN LOCKYER: Has there been an issue in the previous
26 year that you've served on the Commission where you cast a vote
27 or expressed an opinion contrary to the Governor's Office's
28 recommendations?

1 DR. BERGLUND: I'm not certain. I can't even recall all
2 the -- all the votes.

3 You know, so often, we don't really have that kind of --
4 it's not really a policy vote.

5 I understand, you know, your concern with the independence
6 from the administration and that sort of thing. And I, you
7 know, realize, even though I'm a Governor's appointee, that,
8 you know -- the CTC is the child of the Legislature. You
9 created us, and you created us to be an independent body.

10 And I understand that, you know, we have a number of
11 independent advisory positions that we, you know, to the
12 Legislature and to the administration.

13 And so, as I said, I could look up in the minutes, and I
14 certainly could get back to you on that. I don't recall --

15 CHAIRMAN LOCKYER: Our examination of the record suggests
16 that you'll not find anything. But I'd be happy to be
17 enlightened, if you can show me something.

18 Let's talk about the SCR 72 reports, since you were a
19 member of that task force.

20 DR. BERGLUND: Yes.

21 CHAIRMAN LOCKYER: There's four or five issues that were
22 raised by the group. I'd just be interested in your reaction
23 and comment on each one in terms of what progress has been made
24 toward implementing any of these ideas. So, if we could just
25 run through those.

26 DR. BERGLUND: Sure.

1 CHAIRMAN LOCKYER: The first was removing
2 nontransportation related departments from the agency.
3 Anything happen there?

4 DR. BERGLUND: What happened, I think, was, Senator Kopp
5 proposed a bill, and I'm not sure how far it got, or whether it
6 was the Governor's veto that actually stopped that.

7 But I do know that that was --

8 CHAIRMAN LOCKYER: The Governor's veto, opposed, and the
9 agency. So, that one didn't go anywhere, I guess.

10 How about more accurate performance measures for Caltrans?
11 What's going on there?

12 DR. BERGLUND: As far as I know, the Director of Caltrans
13 made -- makes, you know, reports to us, and they say, of
14 course, that they are working on it.

15 I think that the Commission recommended that we get kind
16 of a point-to-point report back from Caltrans on those specific
17 things. And as far as I know, this sort of a point-to-point
18 definite thing, you know, have we done this, have we done that,
19 has not been accomplished as such.

20 But I think, maybe, that's definitely something that needs
21 to come out of this.

22 CHAIRMAN LOCKYER: This was released almost a year and a
23 half ago.

24 DR. BERGLUND: The SCR?

25 CHAIRMAN LOCKYER: Yes. Has anyone come back in that year
26 and a half and said, ``Okay, here are the things that you
27 said,'' and reported to you formally as a Commission on
28 progress on those ideas?

1 DR. BERGLUND: You mean, has anyone come back from the --

2 CHAIRMAN LOCKYER: From the staff, I assume.

3 DR. BERGLUND: -- from the Department?

4 CHAIRMAN LOCKYER: Yes.

5 DR. BERGLUND: Yes, yes, they have. They have come back a
6 number of times, a number of times, and I think the Commission
7 is always inquiring about that because we're very interested.

8 CHAIRMAN LOCKYER: Do you recall areas where there have
9 been some progress?

10 DR. BERGLUND: The areas -- well, I know that they're
11 progressing in terms of trying to eliminate on the local level
12 the work with Caltrans and some of the local groups. For
13 example, in San Diego, MTDB and District 11 have worked out a
14 plan such that some of the long-time, or at least the review
15 processes that take a long time between the agencies, have been
16 sort of streamlined, you know. That kind of thing they're
17 trying to work on.

18 I know there are a number of them. I'm not recalling them
19 right now.

20 CHAIRMAN LOCKYER: Would that be re-engineering the
21 project delivery process?

22 DR. BERGLUND: Yes, that's kind of what it is. And the
23 Commission has looked at the -- at the project delivery and the
24 -- you know, trying to reform some of these, and has come up
25 with some recommendations that I think Caltrans is pursuing.

26 CHAIRMAN LOCKYER: I notice with respect to the SCR 72
27 report on one of the issues that we see regularly that's
28 somewhat controversial: contracting out.

1 DR. BERGLUND: Yes.

2 CHAIRMAN LOCKYER: The cost disadvantage associated with
3 contracting out has not been proven one way or the other.

4 DR. BERGLUND: Yes, I think that's true. SCR -- or SRI,
5 excuse me, reported back to the Steering Committee a number of
6 times, and they looked at a number of studies on this. And
7 they really did not come out with anything particularly
8 conclusive on, you know, the cost of that, or whether there
9 were cost savings or not cost savings.

10 CHAIRMAN LOCKYER: Now, has anyone made available to you
11 the A. Alan Post study?

12 Alan Post, you know, was the Legislative Analyst for a
13 couple of decades, I think.

14 DR. BERGLUND: No, I have not seen that, Senator.

15 CHAIRMAN LOCKYER: Let me just mention his conclusion, and
16 it's worrisome that these matters wouldn't be brought to the
17 attention of the Commission.

18 This report came out in February of '94; that is the date,
19 yes. He'd been Analyst for 27 years, to be correct.

20 He concluded: "In-house services are significantly less
21 costly. The cost difference is too substantial to be ignored
22 because consultant salaries are 32 percent higher than those
23 paid by Caltrans to the Caltrans engineers, and overhead and
24 profit exceed 200 percent." Comparing 75,500 per person-year
25 cost for a Caltrans engineer to 124,000 per person for
26 contracts with private engineering firms.

27 I'm surprised, since that report was issued in February,
28 and Board minutes from the March meeting have you, as well as

1 the other members of the Commission, supporting the contracting
2 out constitutional amendments.

3 DR. BERGLUND: I think, you know, I was trying to reflect
4 whether that report had been something that was sent to us when
5 Mr. Baker was on the SCR 72 Committee. And he did send several
6 things in a packet, which I did read. And I don't recall the
7 titles of those.

8 I think one of the things that --

9 CHAIRMAN LOCKYER: ``Cost Effectiveness of Using
10 Consultants for Highway Engineering.''

11 DR. BERGLUND: I'm not -- I'm not sure whether that was
12 with Mr. Baker's information.

13 But I think the thing that SRI -- and, of course, we
14 didn't have an opportunity to vote on the recommendations; we
15 merely adopted the program. But SRI was really trying to get
16 at some certain flexibility, I think, for example, with
17 earthquakes, that sort of thing, that perhaps the state did
18 need some flexibility with it.

19 And I think that's really been the Commission's position.
20 We're very concerned about the funding, and the lack of money,
21 and, you know, the economic impact of not having a really
22 viable transportation system in California. And so, we're
23 looking for all sorts of ways.

24 And I think we would really look to something that had a
25 little bit of flexibility in it. I think that was basically
26 the intent, certainly.

1 CHAIRMAN LOCKYER: Well, the constitutional amendments are
2 wide open and allow contracting out as a general matter without
3 much constraint.

4 It's my view that the Governor's decided to make political
5 statements about contracting out, partly because it's popular
6 to denigrate public employees and state civil service people,
7 and also to reward his friends who contribute to his campaigns
8 or share his political philosophy in the engineering world.

9 That's my statement. I don't expect you to comment.

10 Frankly, I view you as probably consistent with his points
11 of view and purposes as his appointee, and the vote reflects
12 that.

13 DR. BERGLUND: Well, I'm not, you know -- I feel that the
14 first -- I've been appointed by the Governor to several things.
15 When he was the Mayor of San Diego, I was on the Energy Task
16 Force.

17 And I think -- and particularly with the SCR 72 Steering
18 Committee, that I was appointed because I've got good judgment,
19 I've got a background in transportation, I've been a person of
20 integrity, and that sort of thing.

21 And there never really was -- no person ever approached me
22 with, you know, the question: would you always vote for the
23 Governor's policies. I've just not ever encountered that.

24 And I feel that the Governor really appointed me because I
25 had some expertise to bring to the Commission, and I was a
26 person of good judgment, and I intend to exercise good
27 judgment.

1 CHAIRMAN LOCKYER: Well, I have absolute confidence that
2 that's your intention, or would be.

3 And yet, you happen to be the first one along, so I don't
4 mean any of this in any way to reflect on you personally. It's
5 just, you're the first one that we've had from CTC to appear
6 before us during a confirmation discussion.

7 And the dramatic conclusion of the report, and it alarms
8 me, frankly, that there hasn't been adequate discussion of what
9 the Legislative Analyst, or former Analyst, concluded: that
10 every single state, without exception, had higher public costs
11 as a consequence of contracting out. Every single state.

12 DR. BERGLUND: Well, I have not seen that.

13 CHAIRMAN LOCKYER: And yet, it's been ignored and, you
14 know, you and others vote in March, unanimously, to support
15 contracting out and amend the State Constitution. Well, it's
16 not a quality of work that I find very appropriate.

17 Let me ask other Members if there's any questions you see
18 that you'd like to pose. Senator Ayala.

19 SENATOR AYALA: I have a question, Mr. Chairman.

20 The STIP program is four and a half billion dollars short.

21 DR. BERGLUND: Right.

22 SENATOR AYALA: Do you believe California can meet its
23 transportation needs over the existing funding sources?

24 DR. BERGLUND: No, no. That was the point that I feel
25 that we need to -- you know, and I think that was part of the
26 Commission's recommendation, that the Legislature and the
27 Governor need to look at more secure funding sources for the
28 STIP.

1 SENATOR AYALA: More secure?

2 DR. BERGLUND: More secure.

3 SENATOR AYALA: For instance?

4 DR. BERGLUND: In terms of what I meant was that because
5 of the fuel efficient cars, the fuel tax revenues are -- you
6 know, that we're getting for the state highway account are
7 declining, and so that means that even though we have more
8 vehicle miles traveled in the future, that we're going to get
9 less revenue from it.

10 And so, of course, this is not the responsibility of the
11 Commission to, you know, kind of presume on this sort of public
12 policy prescriptions.

13 And I have really not looked at the individual funding
14 sources. I've read the list that I think was in the
15 Californians for Better Transportation, and the list that the
16 Commission report to the Legislature stated, but I've really
17 not looked at them enough that I would want to, you know,
18 presume to make a comment about that.

19 SENATOR AYALA: The voters turned down the last two bond
20 issues --

21 DR. BERGLUND: Right.

22 SENATOR AYALA: -- dealing with transportation. Do you
23 have any problem with a gasoline sales tax as a source to try
24 to shore up our deficiencies?

25 DR. BERGLUND: Because we're -- you know, we currently
26 have a gas tax, you know, as a basic source of it. I think it
27 would -- I would think it would really need to be looked at,
28 because I think that's what I was saying, is that using it is

1 -- you know, we need to look at it; see if it's going to hold
2 us in the future.

3 SENATOR AYALA: But the people have turned down the bond
4 issues.

5 DR. BERGLUND: Yes, and I think that --

6 SENATOR AYALA: What else is there? And yet, our need is
7 there for everyone to take a look at, four and a half billion
8 dollars in the hole. I mean, where are we going to go from
9 here?

10 DR. BERGLUND: Well, there're a number of, you know, the
11 alternatives, as I said. And, you know, I particularly have
12 not looked at them individually so that I really feel that I
13 could make a recommendation. I haven't looked at the pros and
14 cons.

15 As I said, you know, I was sort of trained, and my
16 research tells me, experience, that when I don't know
17 something, I don't like to make a, you know --

18 SENATOR AYALA: But the deficiency's been there for a
19 while now.

20 DR. BERGLUND: It has -- it has been there for a while.
21 And I think that --

22 SENATOR AYALA: Have you given any thought to how we can
23 recoup ourselves to be able to fund these deficiencies?

24 DR. BERGLUND: Well, I think some of those alternatives
25 will definitely need to be, you know, taken up.

26 But as I was saying, I think, you know, these are the
27 higher levels of policy that the Commission is not really
28 participating in, and so --

1 SENATOR AYALA: You have no suggestions as to how we can
2 enhance our resources to take care of our needs in
3 transportation in California?

4 DR. BERGLUND: As I said, there's whole list of --

5 SENATOR AYALA: And in that whole list, you have not one
6 that you feel is probably the most desirable?

7 DR. BERGLUND: There are -- there are some, and I think
8 the pros and cons are depending upon whether they're
9 politically acceptable, whether they're, let's see, an
10 increasing revenue source, that sort of thing. Whether --
11 let's see.

12 I was trying to think of the other criteria that were --
13 have been used to evaluate those. And I know those in the
14 Californians for Better Transportation had a nice little matrix
15 about pros and cons of the various alternatives. I could get
16 back to you on that, but, you know, right now, I really --

17 SENATOR AYALA: I would like --

18 DR. BERGLUND: -- really would not make a specific choice.

19 SENATOR AYALA: -- I'd like to see that.

20 For now, that's all I have, Mr. Chairman.

21 One more question. Do you or your family, or your
22 corporation, or individually, own any property that might be
23 enhanced by Caltrans purchasing? Either lose value or enhance
24 the value?

25 DR. BERGLUND: No, Senator. That is one thing that I
26 think is in definite favor, because right now, our corporation,
27 which is called the J. Berglund Company, and that's what

1 Chairman Lockyer was asking me about, you know, what funds do I
2 manage.

3 And we don't even -- the J. Berglund Company doesn't
4 actually own any property. We just own our house, and I have
5 an office in my house there. And so, that's the only property
6 we own in the State of California.

7 SENATOR AYALA: Thank you.

8 CHAIRMAN LOCKYER: Senator Petris.

9 SENATOR PETRIS: You're in a situation that covers a lot
10 of territory, so we're coming at you from different angles.

11 I'm interested in the toll bridge money, the use of toll
12 bridges, most of which are up north, to be applied -- the tolls
13 themselves being applied -- to seismic retrofitting, which is
14 not the proper use of those tolls in other bridges.

15 And we have a feeling, where most of these bridges are,
16 where most of the tolls are paid, that that money is being
17 misapplied for a good purpose. You know, the purpose is to
18 retrofit bridges and protect them for seismic safety, but that
19 normally comes out of the fuel tax.

20 We feel there's a drain on funds up here, meaning the
21 northern part of the state, generally, although there's one or
22 two down south, but most of them are up here in the Bay Area,
23 for the wrong purpose. And that work is supposed to be
24 financed out of the fuel tax.

25 Do you have any comment on that as a member of the
26 Commission?

27 DR. BERGLUND: Yes. I -- while I realize, Senator, that
28 that's -- you know, that is probably the most delicate issue

1 facing the budget discussions that will be -- you know, being
2 held this summer, and I think that's why the Commission has not
3 really taken a position on it.

4 Senator Kopp came to one of the meetings, and I think we
5 felt that this was another one of those fiscal matters that was
6 going to be solved, you know, it's going to be hassled out in
7 the political arena, not in the Commission arena. And that we
8 would be presumptuous to make judgment on that.

9 I know there are -- I have read the letter that -- I think
10 your name was on the letter that was sent -- I don't know to
11 whom it was addressed.

12 SENATOR PETRIS: The Governor.

13 DR. BERGLUND: Yes, to the Governor, yes.

14 And I have read that, and I understand that there are
15 positions on both sides of that issue. And I think that's
16 because it was so sensitive.

17 I think that's why the Commission and, you know, myself
18 would not want to comment on that, because I think it's
19 something that the Legislature and the administration are going
20 to have to iron out for the budget.

21 SENATOR PETRIS: Wouldn't that come under your advisory
22 capacity?

23 DR. BERGLUND: I did come under -- I think it did come
24 under the advisory capacity. I think the CTC is sort of --
25 it's a toll bridge authority in a sense, and that was one
26 reason that we did not pass a -- I think that is up for -- I
27 wouldn't call it reauthorization. I don't know a lot about the
28 political terms here.

1 But I do know that a toll bridge, whatever report, could
2 have been adopted in '94, in December, I think, by the
3 Commission. And they chose not to do that just because of the
4 sensitivity of this issue, and that they did not want to
5 become, you know, pre-judge that issue in any sense because it
6 was not in their area of responsibility to do.

7 And so, they have really -- the Commission nor myself, as
8 an individual Commissioner, has really not made, you know, a
9 statement or taken a position on that because of the both sides
10 of it and the legislative impacts of it.

11 SENATOR PETRIS: It shows you how brave we are in
12 politics.

13 DR. BERGLUND: You are, definitely.

14 SENATOR PETRIS: We jump in there, and we make the
15 decisions.

16 DR. BERGLUND: Yes.

17 SENATOR PETRIS: And we get a lot of flak for it, but
18 that's why we're there.

19 What is the mission of the CTC?

20 DR. BERGLUND: Well, the CTC is -- has basically a mission
21 to an advisory role. And we adopt the State Transportation
22 Improvement Program, and then submit it to the Legislature.
23 And so --

24 SENATOR PETRIS: To whom are you supposed to give advice?
25 To the Legislature, to the Governor?

26 DR. BERGLUND: I think it's an advisory -- I think we have
27 a statutory requirement to advise the Legislature and to the
28 administration also.

1 SENATOR PETRIS: But you haven't taken, you as a board,
2 have not given any advice.

3 DR. BERGLUND: We have not given any advice as far as I
4 know. There might have been some, you know, prior to when I
5 came on the Commission in some documents that I have not read.

6 But as far as I know, the Commission has not wanted to
7 take a position on this.

8 SENATOR PETRIS: Well, that's interesting.

9 You know, it's not an agricultural board. It's a
10 transportation board. And it seems to me that we're looking to
11 you for some advice. We may not accept it all, but that
12 Commission is supposed to be well-informed and have a statewide
13 view of the whole transportation system, including whether or
14 not we should go to more and more rail passenger service, for
15 example.

16 It makes it kind of a desert if we don't get some input
17 from a commission that's supposed to be advising us.

18 Now, you're going to get a lot of issues that are
19 sensitive, where you have heated opinions on both sides.

20 I hope you're not telling us that any time something gets
21 hot, you're going to run away from it?

22 DR. BERGLUND: No, no, and I understand your frustration.

23 I didn't really mean to imply that I didn't have any
24 opinions, but I guess maybe what I didn't make very clear was
25 the fact that because of my research experience, we're supposed
26 -- I, you know, personally -- this is personally, not the
27 Commission -- but, you know, we were trained as a social
28 scientist.

1 And when I do my research, you know, I don't make
2 opinions, you know. I look at the sort of empirical results of
3 my study. And we were sort of taught not presume that, you
4 know, our results were necessarily applicable in all instances.

5 So, that's why my personal opinions, you know, I try to
6 keep out of things, except when I, you know --

7 SENATOR PETRIS: You're not an umpire in that job, you
8 see. You're an advocate, it seems to me, for the best state
9 policy affecting transportation. Isn't that true?

10 DR. BERGLUND: That -- we would be -- well, I don't know
11 whether an advocate, perhaps, might imply that -- that I was,
12 you know, in a sense, lobbying, which I don't think is a
13 Commission function.

14 But I definitely -- this is why I would like to have this
15 job, and I really enjoyed it over the last year, is because I
16 feel California does need a first-rate transportation system.

17 And as an economist, that's one reason I think I got very
18 interested in transportation, was because it was really
19 critical to economic vitality.

20 SENATOR PETRIS: Now, suppose the Commission came up with
21 the notion -- or not the Commission, but people who do that,
22 Caltrans, to build a super highway from Eureka to Seattle, the
23 California portion being the smallest.

24 Wouldn't you people do something about that? At least
25 express your opinions?

26 DR. BERGLUND: I'm sure we, perhaps, would. We have a
27 wonderful staff, and they analyze the information very well.
28 And I'm sure we probably would, but I guess what I'm saying --

1 SENATOR PETRIS: How does it sound to you, just off the
2 top of your head?

3 DR. BERGLUND: Well, this is what I'm sort of trying to
4 get across, is that the hypothetical issues, I don't know, are
5 particularly relevant to what I'm doing as a Commissioner. And
6 so, I would have to look at it.

7 You know, as an economist, I'm looking at both sides. And
8 as they say, you know, I'm always -- my husband criticizes me
9 because he's saying I'm also, he's saying, you -- it depends.
10 Everything depends. I have to look at both sides of this.

11 So, that's why, you know, typically I don't come out with
12 a view.

13 SENATOR PETRIS: One side says, ``We're going to run this
14 super highway up to Seattle.''

15 The other side says, ``We don't want to pay anything
16 beyond the California border. What do you mean you're going to
17 run a highway up to Seattle?''

18 That's pretty simple. What are the other sides to worry
19 about?

20 DR. BERGLUND: Actually, I think, you know, one of the
21 studies that I participated in when I was at U.C. Irvine was
22 the kind of looking at the alternatives in a corridor, and, you
23 know, developing the criteria that we would look at them for.

24 And of course, economists are always concerned with costs,
25 and, you know, I'd never make a statement until I've looked at
26 all the, you know, kind of a cost benefit. Not necessarily a
27 formal one, but at least --

1 SENATOR PETRIS: Well, the Chair brought out the cost
2 comparison in his questioning, comparing the state in-house
3 personnel building highways as opposed to contracting out to
4 private consultants, and so forth. Enormous difference in
5 cost: 75,000 per person in one, and 124,000 in the other.

6 That didn't seem to excite your interest too much. That's
7 a cost thing that the economists look at; isn't it?

8 DR. BERGLUND: Yes, yes, it is.

9 SENATOR PETRIS: Do you want to reconsider your opinion,
10 or lack thereof, on that issue?

11 DR. BERGLUND: I would like to see the studies.

12 One thing I do say when I on the Steering Committee of SCR
13 72 is that we took what SRI said to us, and I assume that they
14 looked at these studies, but I really don't -- I really do not
15 know if they looked at these studies. And they said that there
16 were a number of them, and you know, they evaluated them
17 themselves, and we never saw them.

18 And of course, I think the costs, that definitely always
19 excites an economist's interest. I think they like to have
20 their own judgment of the kinds of costs that were included,
21 because it's a real serious thing to do a cost benefit
22 analysis. There's many, many costs, both tangible and
23 intangible, that need to be included in that kind of thing.

24 And some of them involve subjective evaluation, I think,
25 when people are doing these studies. And so, oftentimes, we
26 don't always take other people's costs. I mean, we like to
27 look into it, or like to read the report at least.

28 SENATOR PETRIS: How many Commissioners are there?

1 DR. BERGLUND: There are nine, and there are seven
2 currently. And I think we have a new appointee today.

3 CHAIRMAN LOCKYER: Who is it, this new appointee?

4 DR. BERGLUND: From the PUC.

5 CHAIRMAN LOCKYER: Oh, one of their Commissioners?

6 DR. BERGLUND: One of their Commission who's, you know --

7 CHAIRMAN LOCKYER: Which one, do you recall?

8 DR. BERGLUND: Conlon.

9 Perhaps this was something I was not to announce. This
10 was something that --

11 CHAIRMAN LOCKYER: We don't tell.

12 DR. BERGLUND: Well, I'm sorry.

13 SENATOR PETRIS: Some of us have the feeling that the
14 Commission is overloaded with developers, and real estate
15 developers, and so forth, contractors.

16 It doesn't seem to be a proper balance there. For
17 example, we've had former Commissioner Handley, who was big in
18 gravel and asphalt, the essence of highway materials. And
19 Mr. Nestande, a former colleague of ours over in the Assembly,
20 vice president of a development company. Mr. Hawthorne, the
21 leading road builder and equipment dealer in all of San Diego
22 County, one of our biggest counties.

23 And then on the current board, we have Mr. Duffell, who is
24 a major office building, hotel, and residential developer, and
25 Mr. Shelton, a former planner for the Irvine Company.

26 So, somebody who makes these appointments seems to feel
27 that we need a lot of these kinds of folks on the
28 Transportation Commission.

1 I don't know if you want to comment on that. It seems to
2 be out of balance to me.

3 DR. BERGLUND: Well, I could not -- I don't recall when
4 the other Commissioners were appointed. And I really wouldn't
5 make a comment, you know, concerning the balance.

6 That was one thing that I was hoping would be in my favor,
7 was that I didn't own any land, and I wasn't a developer.

8 SENATOR PETRIS: Well, I think it is. I think it is in
9 your favor.

10 DR. BERGLUND: And I don't know the new appointee and his
11 background, either.

12 SENATOR PETRIS: Does the Commission concern itself at all
13 with the overall transportation perspective from the standpoint
14 of having balance there as well? I mentioned railroad, new
15 developments that are coming along in high speed rail, trying
16 to induce more and more people to get out of their cars and get
17 into the public transportation.

18 We've been complaining for years, I've been one of the
19 leading critics, but we haven't provided the alternative, you
20 know. We say to the motorist, we're all motorists, and we're
21 all pretty much committed and devoted to the automobile. It's
22 so convenient.

23 But it's a source of a lot of problems, health being one
24 of the first that I'm interested in. Pollution caused by the
25 automobile has shortened a lot of lives of people in our state.
26 Seniors are still having trouble with air pollution in the L.A.
27 Basin and other places. The Bay Area, too.

1 And as a result, some of us have advocated more rail
2 transportation.

3 Does the Commission concern itself at all with that
4 problem? Or, are you waiting for someone to drop a specific
5 plan on you?

6 DR. BERGLUND: Well, I think that, you know, of course,
7 because I'm new, I basically looked at the -- all the items
8 that were in the Transportation Blueprint, passed in 1989. Of
9 course, we had the three rail bonds which were expected to do
10 that kind of thing. We had the flexible congestion relief
11 program. We have the Proposition 116, which is the Clean Air
12 and Transportation Improvement Act that I think the Commission
13 is definitely trying to -- you know, we oversee some of that.
14 I mean, I think we were in an advisory capacity.

15 But I think there seems to be a general feeling on the
16 Commission, as obviously in the state, and the Legislature that
17 was responsible for passing the Blueprint legislation, that
18 these items needed to be looked at to provide good
19 transportation in California, and one that was compatible with
20 the other public policy goals, such as, you know, the
21 environmental concerns and safety, too.

22 SENATOR PETRIS: Thank you.

23 CHAIRMAN LOCKYER: I'll ask if there's any other testimony
24 at all? I don't believe there is, but if there's anyone
25 present who would wish to comment, now is the time to come
26 forward.

27 Senator Beverly, the Vice Chair, is unable to be with us
28 today. I had indicated to him that if there were potential

1 problems, that I would defer and give him an opportunity to be
2 engaged.

3 Dr. Berglund, I have nothing but respect and admiration
4 for your academic and personal achievements and career.

5 As I had mentioned earlier, you are kind of the first one
6 along in some time, and so I have not yet had an opportunity to
7 inform the Governor's Office that, at least my personal view,
8 is that we would be neglecting our duty if we confirm
9 additional members to the CTC, and there are two or three we're
10 going to be seeing in the near future, without some resolution
11 of the propensity of the administration to put politics ahead
12 of taxpayers' interests.

13 And that's reflected in your vote, I'm sorry to say, as
14 well as every one of your colleagues on the Commission. And I
15 think it probably is our task to indicate when we think there's
16 a problem.

17 So, what I'm going to suggest today is that we just put it
18 all on hold and not take any action that would be unduly
19 precipitous, but to engage in some more discussion of these
20 matters.

21 DR. BERGLUND: Is this -- I was curious to know what the
22 standing is on the -- you know, my 12-month confirmation.

23 CHAIRMAN LOCKYER: The 21st. The clock runs on the 21st.

24 DR. BERGLUND: Will we be having another subsequent
25 hearing?

26 CHAIRMAN LOCKYER: I hope so. Senator Beverly isn't with
27 us, I believe, due to some surgery, but I expect him to return

1 in a time that would be sufficient for focus and getting back
2 to the matter.

3 So, one way or the other, if he can't, we'll have to go
4 forward anyhow, because it's not fair to just let the clock
5 run.

6 DR. BERGLUND: That's what I was a little concerned about.

7 CHAIRMAN LOCKYER: No, I understand.

8 We have no intention to just let the sand fall through the
9 hour glass.

10 But I do want to be forthright with you, as you have been
11 with us --

12 DR. BERGLUND: I appreciate that.

13 CHAIRMAN LOCKYER: -- in suggesting that this is an area
14 in which I think there is substantial and significant
15 disagreement in philosophy and approach between most of the
16 members of this Committee and the CTC and the administration.
17 And it's probably an issue we just have to bring to a head.

18 DR. BERGLUND: All right, thank you.

19 I must tell you, I'm disappointed, because I enjoy the
20 job, and I would certainly like to continue.

21 CHAIRMAN LOCKYER: We haven't taken a vote.

22 DR. BERGLUND: All right. Well, it's never over 'til it's
23 over.

24 Thank you. I appreciate your consideration.

25 CHAIRMAN LOCKYER: Thank you, Dr. Berglund.

26 Mr. Sayles, do you want to come up today, or do you want
27 to wait?

28 [Laughter.]

1 CHAIRMAN LOCKYER: Did you want to begin with any
2 comments?

3 MR. SAYLES: If I may, Mr. Chairman, Members of the
4 Committee, I'm Tom Sayles. If you'll indulge me for a second,
5 I'll tell you a little about my background.

6 I was born and raised in Los Angeles, South Central Los
7 Angeles, to be specific. I was educated in Los Angeles's
8 public schools.

9 My undergraduate degree is from Stanford, which I hope
10 doesn't disqualify me for consideration as a member of the
11 Board of Regents. My law degree is from Harvard. I did spend
12 time, however, at the U.C.L.A. Graduate School of Management.

13 In terms of my professional career, I have worked as a
14 lawyer both in the public and private sector. I've had the
15 privilege to serve in government in a couple positions.

16 I am most proud of the work I did as a member of the
17 Community College Board of Governors. That gave me exposure to
18 California's public education system, which I greatly admire.

19 I am married to a public school teacher in the Los Angeles
20 Unified District. We're both very concerned about public
21 education.

22 In terms of personal experience, I can tell you that the
23 difference in my life clearly has been the education I was
24 afforded, and I would hope that, based on my experience, both
25 professional and personal, I can bring value to the Board of
26 Regents.

27 CHAIRMAN LOCKYER: Thank you for a complete but concise
28 statement.

1 Questions from any Members? Senator Petris.

2 SENATOR PETRIS: Yes, if I may, Mr. Chairman.

3 As a Member of the Budget Committee that deals with
4 education, including higher ed., I've been concerned about the
5 twists and turns we've had in the projections for future
6 enrollment in higher ed. They've talked about Tidal Wave I,
7 and then Tidal Wave II, and the projections for the end of the
8 Century and maybe 2002 have gone up to 500,000. And recently,
9 the Finance Department has dropped it.

10 It makes me very nervous about what they're trying to do.
11 It doesn't seem to be based on any scientific demographic
12 studies when they can be arbitrarily chopped down by the
13 Finance Department. We've had no explanation.

14 There's an editorial in one of the newspapers recently,
15 asking about the missing 67,000. That was one of the drops.

16 Can you enlighten us on that? What's going on here?

17 MR. SAYLES: Senator, I'm trying to find out the same
18 question. I don't know the answer to that. I raised the same
19 -- I will raise the same concerns.

20 We need to understand what those numbers are.

21 And candidly, one of the things I hope I would bring to
22 the Regents is, I'm going to ask those hard questions. Things
23 I don't understand, I'm going to ask be explained to me.

24 And that is a rather precipitous drop. I understand it is
25 based upon projections put forth, demographic information
26 provided by the Department of Finance.

27 I view my obligation is getting to the bottom of that and
28 trying to understand, because it's clearly -- I mean, our

1 planning is going to be predicated upon those enrollment
2 projections. We cannot carry out our role unless we understand
3 those numbers.

4 I wish I could tell you I knew what the right numbers are,
5 but I don't know that.

6 But I can tell you, I will try to find out what the right
7 numbers are, and I have to do that to do my job, if I am
8 confirmed.

9 CHAIRMAN LOCKYER: In terms of your independence, I want
10 to make note of things I read in the newspaper where, I hope
11 you were accurately quoted, saying, "I can tell you now, under
12 no circumstance will I vote for a candidate," in this instance
13 for President of U.C., "where I only have one choice."

14 I compliment you for your willingness to be independent,
15 both of bullies on the Board as well as people, bureaucrats,
16 that might shape decisions in a way that, in effect, make you
17 ineffective. I'm glad you're outspoken.

18 It's really the only time, you probably heard, we did, one
19 time, turn down a Regent appointee, and it was just because we
20 thought there was insufficient independence, just to make his
21 or her own mind up and speak up.

22 So, please accept compliments from one for your
23 willingness to be forthright about these things.

24 I guess there's nothing been resolved with respect to that
25 process.

26 MR. SAYLES: No. It's still -- just to put it in
27 perspective, my view is, probably the most important thing we

1 could do as Regents is select the next leader of this
2 University.

3 CHAIRMAN LOCKYER: You're right.

4 MR. SAYLES: And I was concerned with just one choice.

5 I've been involved in many, many selection committees.

6 And typically, there are at least a couple of choices so you
7 have an idea of what's available, who's interested in the job.

8 It has not been resolved. I am told that a
9 recommendation, probably of a single individual, will be coming
10 to the Board sometime in either June or July. That's the best
11 of my understanding.

12 I actually know more from reading the newspapers than I do
13 from any other source.

14 CHAIRMAN LOCKYER: Senator, please continue.

15 SENATOR PETRIS: Thanks.

16 After all these projections that I talked about, we have
17 an article here, May 23rd, quoting the Center for Continuing
18 Study of the California Economy, which projects big increases
19 again. They're concentrated on ages 5-17, and are measuring
20 the impact on K-12. But, of course, that's going to have a
21 whopping impact higher up if this is accurate and proves out.

22 Are you familiar with that? Has that been brought to your
23 attention?

24 MR. SAYLES: No, I'm not aware of that study.

25 SENATOR PETRIS: I would suggest you might want to have
26 your staff people check it out. It's the Center for Continuing
27 Study of the California Economy.

1 I now the Regents don't vote these figures. I'm asking
2 you in your capacity as a Regent so that you can help, with all
3 the vast resources available at the University, hopefully, to
4 ferret out all the correct information.

5 I know these studies don't come from U.C., either. One is
6 Department of Finance, which always has a problem of being
7 tainted with political considerations, regardless of which
8 administration is running the show. And the other is an
9 independent outside group, which, in this atmosphere, would
10 tend to have more credibility.

11 I would hope you could dig into that and see what you can
12 find out. I think it'd be helpful to us as well as you.

13 MR. SAYLES: I will, Senator.

14 SENATOR PETRIS: I've been concerned also about fee
15 increases, student fees, which I always call student taxes.

16 I don't know if you've been there long enough to vote on
17 any of those, but I would like to get your attitude on the last
18 three or four years, especially, tremendous increase in student
19 fees.

20 If you look at the overall higher ed. system, we've lost
21 200,000 students since 1990, which those who study these things
22 attribute mostly to the increases in fees. They can't be
23 positive, of course, 100 percent, but that seems to be the
24 indication. And if we keep this up, it's going to shrink even
25 further.

26 MR. SAYLES: Senator, generally, one of my real concerns
27 is what these fee increases is doing to middle income families.

28 Specifically, I have voted against and did vote against

1 differential fees for graduate students, primarily because of
2 my concern about what that would do for access to, again,
3 middle class students. And there was not, in my view, a
4 sufficient showing that there would not be an adverse impact
5 upon those middle income students that I'm concerned about.

6 I am generally opposed to fee increases. I am, at this
7 point, not convinced that the University has done all it can do
8 to avoid fee increases.

9 I would, by the way, applaud the Senate on its budget
10 proposal to add \$38 million for those purposes. I would work
11 with you to encourage the Governor to adopt that proposal.

12 I see first-hand what fee increases are doing to students,
13 and I think it's something we have to think long and hard about
14 before we support -- or, before I would support fee increases.

15 And I would be candid and say, it is unlikely, until there
16 was a higher showing made, that I would support increases.

17 SENATOR PETRIS: How would you answer the response that,
18 ``Well, if we don't have the fee increases, we're going to have
19 to cut back, and admit less students, and let faculty go, and
20 so forth?''

21 MR. SAYLES: Well, I think that's the argument that's
22 going to be put forth. I mean, I work in a company where we've
23 gone through downsizing.

24 But I think we also have to look at the efficiency of the
25 institution. Now, I'm not an expert on the University of
26 California, but my sense is that if we looked hard, there may
27 be additional efficiencies we can gain without reducing staff.

1 I don't know the answer to that, but that's my sense of
2 it, because I've seen the kind of changes that major companies
3 have done. Sometimes you have to reduce staff, other times you
4 don't. It's just by working smarter.

5 I don't know if we've done those things.

6 Again, it's one of the concerns I have about the next
7 President. I want someone who can bring that kind of
8 leadership to the University; who can not only handle the
9 academic aspect, but the fiscal questions that I think will
10 dominate the University for the next several years.

11 SENATOR PETRIS: Well, part of the fiscal question is
12 whether or not they have enough money. And we can only expect
13 the University to downsize up to a certain degree. After that,
14 they're going to be hurting. They've been hurting.

15 There isn't enough talk about providing more money to the
16 University, because where does it come from? It comes from the
17 people in the form of taxes, and there aren't too many of us
18 willing to talk about that.

19 I, for one, would like to see us bring in more money for
20 all three levels of higher education: community colleges as
21 well as U.C.

22 Are you totally adverse to that as a policy?

23 MR. SAYLES: No. I think we have to look at all our
24 options. No.

25 SENATOR PETRIS: Thank you.

26 CHAIRMAN LOCKYER: Senator Ayala.

1 SENATOR AYALA: I think that both Senators have preempted
2 me on the questions I was going to ask you, but there's one
3 more question.

4 What do you think is the major policy facing the
5 University of California and the Regents at this time?

6 MR. SAYLES: What I think is the major policy issue?

7 SENATOR AYALA: Major policy issue, and don't tell me
8 financial because we know that.

9 CHAIRMAN LOCKYER: That may be it, though.

10 SENATOR AYALA: That's not a policy.

11 MR. SAYLES: Well, Senator, I think I beg to differ.

12 I think the fiscal issues have rather significant policy
13 implications.

14 SENATOR AYALA: True.

15 MR. SAYLES: And I don't think we can ignore those.

16 My sense is that how we manage the issue of the lack of
17 resources, coupled with tuition fee increases, is probably the
18 most important issue facing the University system, because it
19 goes to the core of our commitment to the top twelve and a half
20 percent students in this state, and it goes to our ability to
21 finance the education of people who have historically used the
22 University to increase or improve their station in life.

23 So, I think that fiscal issue is the one that I'm most
24 concerned about. And it is why I asked to be a member of the
25 Finance Committee.

26 SENATOR AYALA: True. Without financial assistance, you
27 can't implement any program. Without financial assistance,
28 you're at sea when implementing some programs.

1 But what would be your second-most serious policy issue
2 you're facing?

3 MR. SAYLES: I think probably the retention of faculty.
4 One of the arguments I've heard -- and again, I'm not an expert
5 on this -- is that we are losing some of our young faculty
6 members for a variety of reasons.

7 I would certainly want to better understand what we can do
8 to attract and retain those students.

9 Some people don't seem to be concerned, but we're in a
10 competitive position. We are competing with the University of
11 Texas, and North Carolina, as well as private schools, not so
12 much for our tenured senior professors, but for those young,
13 bright folks that, I think, build the system. And how we
14 handle those young professors, I think, will be key to the
15 future of this system.

16 SENATOR AYALA: I agree that the senior members of the
17 faculty have the experience and can move onto other
18 universities. But you have some new crop coming up that could
19 take their place, and if you're losing those, you're in deep
20 trouble.

21 MR. SAYLES: Yes, yes. And we are, and I think we are.
22 That's at least what I'm led to believe. We are losing them.

23 SENATOR AYALA: What's the major reason for them leaving?

24 MR. SAYLES: I think it's a variety.

25 SENATOR AYALA: Financial?

26 MR. SAYLES: I think that's part of it. Depending on
27 which campus they're talking about, the cost of buying a house,
28 the quality of education. I have small children, the kind of

1 education they could office their students, depending on where
2 they're living. The normal things that young families have to
3 address.

4 SENATOR AYALA: Thank you.

5 CHAIRMAN LOCKYER: If we could, let's take a moment on the
6 affirmative action debate that's current before U.C.

7 Regent Connerly has expressed a different opinion or
8 approach than, let's say, President Peltason or Chancellor
9 Young.

10 What's your own analysis? Where do you find yourself in
11 this debate?

12 MR. SAYLES: My initial reaction is that so much of this
13 discussion has been based on anecdotal information rather than
14 the facts.

15 So I guess my first reaction is, all of us, where ever you
16 end up on this issue, we need to get the facts out. And I
17 don't think those facts are out right now.

18 I don't think there's anything, quote, ``before the
19 Regents'' to decide right now, other than one Regent's opinion.

20 What I've been trying to do -- I mean, I have a
21 predisposition, and that predisposition is that we need
22 diversity in the University system. But what I've tried to do,
23 and the approach I've taken, is try to listen to the facts.

24 I think all programs need to be looked at, including
25 affirmative action, to make sure it's accomplishing what it was
26 set out; that there are not inappropriate abuses in the system.

1 But I will tell you that in my personal opinion, there
2 continues to be -- this is not a color-blind society. And
3 under certain circumstances, we need to address that issue.

4 I'm not at the point now where I believe the abuses I've
5 heard about are enough to throw out the entire system.

6 But again, I think we have to look at it, massage it, and
7 make sure it is doing what we expect it to do.

8 CHAIRMAN LOCKYER: Thank you.

9 Is there anyone present who would wish to make any
10 comment?

11 What's the pleasure of the Committee?

12 SENATOR PETRIS: Move.

13 CHAIRMAN LOCKYER: We have a motion to recommend
14 confirmation to the Floor.

15 Why don't you call the roll on that.

16 SECRETARY WEBB: Senator Ayala.

17 SENATOR AYALA: Aye.

18 SECRETARY WEBB: Ayala Aye. Senator Lewis. Senator
19 Petris.

20 SENATOR PETRIS: Aye.

21 SECRETARY WEBB: Petris Aye. Senator Beverly. Senator
22 Lockyer.

23 CHAIRMAN LOCKYER: Aye.

24 SECRETARY WEBB: Lockyer Aye.

25 CHAIRMAN LOCKYER: Let's leave the matter on call so that
26 Senator Lewis, at least when he returns, can add his vote.

27 Thank you, and good luck to you.

28 MR. SAYLES: Thank you.

1 CHAIRMAN LOCKYER: Very impressive.

2 MR. SAYLES: Thank you.

3 [Thereupon, Senator Lewis later
4 returned to Committee and voted
5 in favor of the confirmation, making
6 the final vote 4-0.]

7 CHAIRMAN LOCKYER: Mr. Ward is next for State Building
8 Standards, Item Number 3, Members.

9 Do you want to start with any comment at all?

10 MR. WARD: Well, thank you very much for spending the time
11 to hear someone from the Building Standards Commission. The
12 first time I was appointed, I didn't have the opportunity, but
13 I certainly appreciate your time and the opportunity now.

14 I'm an architect in private practice for the last 17 years
15 with my own firm, and with other firms for 26 years.

16 I've served with the AIA California Council, as well as
17 the Architects Institute in Washington, D.C. In California, I
18 was Chair of the Building Standards Committee that we had,
19 which is the Building Codes Committee, for nine years. Part of
20 the work that we did turned out to be something that I'm very
21 proud of seeing happen, which was AB 47, which started the
22 public participation process which we are currently going
23 through hearings this next month on.

24 I'm also very active in other areas with the architects.
25 I'm a retired Navy Captain, and I have enjoyed serving the
26 first four years of my appointment. I would hope that if you
27 see fit, that I would like to continue another four years.

1 CHAIRMAN LOCKYER: Thank you. You have a very impressive
2 C.V.

3 MR. WARD: Thank you.

4 CHAIRMAN LOCKYER: You've done a lot of things.

5 Just so we learn a little, probably more than anything,
6 can you tell us if the process of adopting new standards needs
7 to be changed, or is it working adequately?

8 MR. WARD: Well, as I said, this AB 47 is a big
9 improvement in the process. The public participation process,
10 which is currently going through right now as a monograph --
11 and this is the first time that this monograph has been
12 published, and the authority for that came from AB 47 -- it
13 consolidates this vast array of code information. It's turned
14 out to be what I would call a much better public participation
15 process that otherwise, by de facto, or by default, codes might
16 have gotten in. Now I think they're being reviewed.

17 And actually, this offers a good opportunity for the
18 public to become a participant in the process. In the past, it
19 was reactive. Now it's being proactive. So, if someone from
20 the public says, "Hey, I think this code shouldn't be here,"
21 or, "This particular code should be here," they have the
22 right and the opportunity to be published in this monograph,
23 which is a big step forward.

24 CHAIRMAN LOCKYER: I don't mean to prejudge the answer
25 here, but is this a way of sort of maybe eliminating standards
26 that are unnecessary --

27 MR. WARD: Yes.

28 CHAIRMAN LOCKYER: -- or redundant?

1 MR. WARD: Absolutely.

2 CHAIRMAN LOCKYER: So, you see that there might be a need
3 to do that.

4 MR. WARD: Yes, that's right.

5 There was a study under the original review of all
6 standards, and there was a follow on AB 1780, which is going
7 through right now. We were advised through the executive
8 summary of what the results of this repeal of all past codes
9 and all of their basis of being there.

10 I believe that there is going to be -- not this cycle, but
11 the next cycle -- a number of those put in.

12 The reason that we're going through this cycle on a rather
13 limited view of changes on the current cycle is because of the
14 change in format. This has been a rather massive amount of
15 work. All of the building professionals that have to be
16 involved in it are sort of overwhelmed with all the changes, so
17 we're going to a national format as opposed to a regional
18 format.

19 CHAIRMAN LOCKYER: Let me inquire if there are questions
20 from other Members at all? Senator Ayala.

21 SENATOR AYALA: Do you come in contact with the State
22 Architect?

23 MR. WARD: Yes, I do. But this is on a more professional
24 basis than it is with the Commission basis.

25 Commission basis, we have had for administrative rules
26 where there's been a fee change, they have come before us, the
27 State Architect's Office, with changes. There's also code
28 changes in here that have come through for both the structural

1 safety as well as the accessibility. And that's been our
2 contact, is on the testimony basis.

3 SENATOR AYALA: The reason I asked is because, as a member
4 of the Board of Education, we would hire an architect to draw
5 the plans for the school. And when they got through with that,
6 through a lot of changes, then we would have to take it to the
7 State Architect to review, as if that architect wasn't
8 qualified or wasn't certified, or something.

9 Why that extra step? These people are certified
10 architects. Why do they have to clear it with the State
11 Architect, who delays the plans for weeks?

12 But you're not involved with that at all.

13 MR. WARD: No, the Commission doesn't oversee that
14 process.

15 There are interpretive regulations for the school house
16 portion of the State Architect's functions. The Field Act
17 itself has the prescriptive requirements in the regular part of
18 the Title 24, and then there's the administrative Part I. The
19 Part I that we've reviewed in the past has been fees.

20 We don't -- we would like, if possible, to have the
21 interpretive regulation process, which has, to a certain
22 degree, improved something that you're talking about, which is
23 portable construction, they've just changed the new procedure.
24 But unfortunately, this is only brought to us when they
25 actually do it.

26 SENATOR AYALA: Not necessarily portable. It's just, you
27 know, permanent structures also go through the same process of
28 having the local architect go through the whole thing, and draw

1 up plans accordingly, then have to bring it to the state for
2 final determination, which delays the plans for a month or so.
3 It never made sense to me.

4 MR. WARD: Well, my primary practice is schools, and I
5 have been trying to improve the process as a private architect,
6 not as a Building Standards Commissioner, because we don't look
7 at this.

8 There have, just recently, this year, as a matter of fact,
9 in the local school project is the first time that we're going
10 through this process. And there's some bugs involved in it,
11 but it has eliminated the plan check process.

12 SENATOR AYALA: That has been eliminated?

13 MR. WARD: For portable construction, yes, using the new
14 procedures.

15 SENATOR AYALA: But I'm referring to permanent structures.

16 MR. WARD: Well, the way I look at it is, if the system
17 works, it certainly shows a reason to propose having the
18 architects continue on in permanent portions or other portions
19 of school house regulated activities.

20 CHAIRMAN LOCKYER: Senator Petris.

21 SENATOR PETRIS: Does your review to develop building
22 standards include the quality of materials, and certain
23 standards for the quality?

24 MR. WARD: There are standards by reference that are
25 contained in the building codes, and that portion is an adopted
26 portion that goes through the Commission, yes, sir.

27 SENATOR PETRIS: By reference.

28 MR. WARD: By reference.

1 SENATOR PETRIS: I was thinking of plastics in particular.
2 I ran across a problem in my district which turns out to be
3 universal throughout the state, affecting, as far as we know,
4 at least a half a million homes, maybe more.

5 This plastic, foamy substance is being used to mix with
6 the virgin resin, which is the only material that's supposed to
7 be used. And it started at 5 percent illegal, to 10 percent,
8 to 15, and it went as high as 90 percent, which some
9 manufacturers -- there's only a handful, but it's enough -- and
10 they unload this plastic on an unknown, unwitting builder, for
11 example. And it turns out that, after a relatively short time,
12 maybe as little as five years, the material falls apart.

13 ABS, I'm trying to think of the name of it. The material
14 falls apart, and the waste starts oozing through the house,
15 through the walls of the kitchen, and the walls of the living
16 room. Which means all that garbage comes through the home.

17 And it costs enormously. You practically have to rebuild
18 the house to fix it.

19 Now, when something like that comes to your attention, do
20 you as a board initiate some kind of inquiry or have hearings?
21 Or is that beyond the scope?

22 MR. WARD: This is actually the first time that I have
23 heard of that. I will look into it.

24 The issues of plastic pipes is something that, since I've
25 been on the Commission, nothing -- no issues, no code issues,
26 have come before us in that area.

27 SENATOR PETRIS: You don't have any scouts that go out
28 surveying the field, then?

1 MR. WARD: Well --

2 SENATOR PETRIS: I mean, we had hearings up here last
3 year, very extensive hearings in both Houses that detailed
4 dramatically, with pictures and everything else, how horrible
5 this stuff was.

6 It's a health menace. It's deposited under the house, for
7 example.

8 I can't believe that it didn't come before the attention,
9 somehow or other, of the Building Standards Commission. It
10 affects that quality of material that goes into the property.

11 MR. WARD: This really sounds very bad. I will look into
12 it, but --

13 SENATOR PETRIS: I'll be happy to send you information
14 that we have on it --

15 MR. WARD: All right.

16 SENATOR PETRIS: -- and have your people take it from
17 there.

18 MR. WARD: Sure. That would be very good.

19 The issue of plastic pipe was addressed long before I got
20 to the Commission, and that had to do with the use of plastic
21 pipe or not.

22 SENATOR PETRIS: Yes, that was switching from metal to
23 plastic in the first place.

24 MR. WARD: That's right.

25 SENATOR PETRIS: As sometimes happens, you get a few bad
26 apples in the industry --

27 MR. WARD: This sounds like a different issue.

28 SENATOR PETRIS: Yes.

1 MR. WARD: Yes, sir. Thank you.

2 CHAIRMAN LOCKYER: Is there anyone present who wishes to
3 make any comment at all?

4 Let me ask Members if you're ready to --

5 SENATOR AYALA: I'll be glad to move it.

6 CHAIRMAN LOCKYER: With recommendation to confirm.

7 May I record the three of us present as voting aye? That
8 will be the order.

9 [Thereupon, Senator Lewis later
10 returned to Committee and voted
11 in favor of the confirmation, making
12 the final vote 4-0.]

13 CHAIRMAN LOCKYER: Good luck to you. We appreciate
14 getting your time donated to the state this way, and it's a
15 good deal for us and I hope it's acceptable for you.

16 MR. WARD: Thank you, Senator.

17 CHAIRMAN LOCKYER: Thank you.

18 Mr. Youssef, I point out, is a U.S.C. person.

19 SENATOR AYALA: I move the nomination.

20 [Laughter.]

21 CHAIRMAN LOCKYER: Did you want to begin with any
22 statement at all?

23 MR. YOUSSEF: Thank you, Mr. Chairman. I really
24 appreciate your time, with all your busy schedules, for being
25 here, taking the time to address this.

26 I'm a registered structural engineer with a focus on
27 structural engineering and a training in earthquake
28 engineering.

1 I've chaired several committees for the Structural
2 Engineers of Southern California and the state at large, and I
3 went on to chair the Vision 2000, which kind of moved towards
4 future codes.

5 On the national level, I was very involved with the BSSC,
6 which is the Building Seismic Safety Council, the National
7 Science Foundation, the FEMA, which tries to bring kind of a
8 national perspective to codes and development of future codes,
9 with the interest of protecting the public's life safety,
10 basically, with good engineering.

11 CHAIRMAN LOCKYER: You didn't do the L.A. subway; did you?

12 MR. YOUSSEF: No.

13 [Laughter.]

14 MR. YOUSSEF: We work above grade. We only get the ground
15 motioning below grade.

16 CHAIRMAN LOCKYER: You heard our similar inquiries if it's
17 been your observation that there is a need to streamline the
18 codes, or are there redundant or unnecessary standards at all?

19 MR. YOUSSEF: The reason, after Chairing Seismology, I
20 started a thought of this Vision 2000, because our codes got
21 so meticulous, and there was a lot of what we call -- a lot of
22 Latin words. And we spent a lot of time interpreting, rather
23 than really addressing the core issues.

24 And we center -- we kind of centered around a veil of
25 safety that we know all the specifics, and we're going to
26 address all types of buildings within that simplified code
27 approach, rather than pulling back and having a more
28 prospective approach, that engineers can use their judgment,

1 and engaging also the developer, the financial world, and
2 insurance about their vested interests, and the different
3 levels of performance that they can engage, rather than these
4 minimal standards.

5 I was obviously quoted after the Northridge Earthquake of
6 being critical of a lack of training and proper certification
7 of inspectors. That's why we got some less than better quality
8 of construction. We faced that in the Northridge Earthquake
9 and the cost to the state.

10 CHAIRMAN LOCKYER: Questions from either gentleman on the
11 Senate side?

12 SENATOR AYALA: I take my recommendation back. He's a
13 member of the U.S.C. Alumni, but you didn't attend, did you?

14 MR. YOUSSEF: No, sir.

15 CHAIRMAN LOCKYER: Oh, well, that's even better, though.

16 [Laughter.]

17 MR. YOUSSEF: But I'm lecturing at U.S.C. Architectural
18 Engineering Program. I'm making up for it.

19 CHAIRMAN LOCKYER: Any questions at all, or are you ready
20 to --

21 SENATOR PETRIS: I'd like to ask him, did this pipe thing
22 come to your attention?

23 MR. YOUSSEF: No, I'm recent on this committee. And
24 honestly, I don't have too much of a background in policy. I'm
25 more of the structural technical advisor on this committee, and
26 finding my way through it yet.

27 SENATOR PETRIS: There's another pipe problem also in my
28 district. The water company has had a lot of its pipes just

1 break, and water's flooding all over the place in many parts of
2 the district.

3 And these are not ABS pipes that I talked about earlier.
4 These are other pipes.

5 I would appreciate it if you might make some inquiries
6 about that as well. You know, especially in the water system
7 that carries potable water for use in residential places, we
8 shouldn't be exposing it to those kinds of problems.

9 And it's not any negligence on the part of the district,
10 the water district that's using it. They buy these pipes, and
11 they put them in place, and they use them, and then after a
12 while -- right now, there have been a lot of stories where
13 they're just breaking apart.

14 I know you don't have a disciplinary function on the
15 board, but it seems to me that you might put the spotlight on
16 it somehow or other and find out what's happening, particularly
17 when some new standard is up for review. You might re-open the
18 old standard.

19 I don't think it's a question of a problem with the
20 standards. It's, again, somebody's at fault somewhere along
21 the line in not complying. But I think your group should know
22 about that.

23 MR. YOUSSEF: I'd be very interested to look into it.
24 Thank you for your input.

25 CHAIRMAN LOCKYER: What's the pleasure of the Committee?

26 SENATOR AYALA: I will officially move the confirmation.

27 CHAIRMAN LOCKYER: All right, we have a motion. Call the
28 roll.

1 SECRETARY WEBB: Senator Ayala.

2 SENATOR AYALA: Aye.

3 SECRETARY WEBB: Ayala Aye. Senator Lewis. Senator
4 Petris.

5 SENATOR PETRIS: Aye.

6 SECRETARY WEBB: Petris Aye. Senator Beverly. Senator
7 Lockyer.

8 CHAIRMAN LOCKYER: Aye.

9 SECRETARY WEBB: Lockyer Aye.

10 CHAIRMAN LOCKYER: Let's leave the roll open again.

11 [Thereupon, Senator Lewis later
12 returned to Committee and voted
13 in favor of the confirmation, making
14 the final vote 4-0.]

15 CHAIRMAN LOCKYER: Thank you, sir.

16 MR. YOUSSEF: Thank you.

17 CHAIRMAN LOCKYER: We appreciate your service to the
18 state.

19 MR. YOUSSEF: Thank you very much.

20 [Thereupon this portion of the
21 Senate Rules Committee hearing
22 was terminated at approximately
23 3:26 P.M.]

24 --oo0oo--
25
26

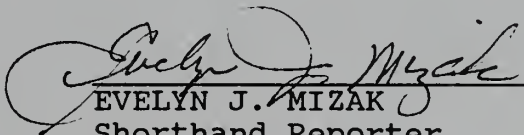
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